



Security Council

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**Letter dated 17 June 2002 from the Chairman of the
Security Council Committee established pursuant to resolution
1373 (2001) concerning counter-terrorism addressed to the
President of the Security Council**

I write with reference to my letter of 10 April 2002 (S/2002/385).

The Counter-Terrorism Committee has received the attached supplementary report from the United States, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) **Jeremy Greenstock**
Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex

Letter dated 14 June 2002 from the Chargé d'affaires a.i. of the United States Mission to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I am pleased to provide the additional information (see enclosure) requested by the Counter-Terrorism Committee in its letter of 22 March 2002.

I should like to take this opportunity to express my continuing appreciation for your leadership in the fight against international terrorism.

(Signed) **James B. Cunningham**
Chargé d'affaires a.i.

Enclosure**Reply to the Counter-Terrorism Committee, 14 June 2002****Security Council resolution 1373 (2001)****Paragraph 1(a) :**

Improved Coordination at Home: Does the US have a specialist counter-terrorism body or is that the responsibility of a number of departments or agencies? In the latter case, how is coordination among the various entities effected?

Does each agency define its strategy independently, or does it carry out measures that have been established at a higher level? Who determines that policy and, if applicable, the distribution of tasks among agencies?

The United States is engaged in an ongoing effort to improve its ability to combat terrorism. On June 6, 2002, President Bush announced that he would ask the Congress to create a cabinet-level Department of Homeland Security. The new department would include many functions now performed by existing departments, agencies and bureaus. The creation of the new department will take time, especially since new legislation will be required. We will inform the CTC when these changes are in place. In the meantime, responsibility for combating terrorism is organized as follows:

The National Security Council (NSC), created by the National Security Act of 1947, coordinates the President's national security policies among the various Executive Branch departments and agencies and ensures their effective development and implementation.

On October 8, 2001, through Executive Order 13228, the President created the Office of Homeland Security (OHS) within the Executive Branch to develop and coordinate the implementation of a comprehensive national strategy to secure the U.S. from terrorist threats or attacks. OHS coordinates the Executive Branch's efforts to detect, prepare for, prevent, protect against, respond to, and recover from terrorist attacks within the United States. OHS works with executive departments and agencies, state and local governments, and private entities to ensure that the national strategy is adequate. The same executive order established the Homeland Security Council, as a counterpart to the NSC. The Homeland Security Council advises and assists the President with all

aspects of homeland security. It also ensures the effective coordination, development, and implementation of security policy.

On October 9, 2001, the President established the Office for Combating Terrorism under the direction of the National Director and Deputy National Security Advisor for Combating Terrorism. This person, who serves as the President's principal advisor on the international and domestic dimensions related to combating global terrorism, reports to the Assistant to the President for National Security Affairs and to the Assistant to the President for Homeland Security. He is responsible for coordinating diplomatic, trade, financial, foreign assistance, foreign training and other programs to ensure support for counter-terrorism objectives. He chairs an interagency group that supports this mission.

On October 16, 2001, the President established the President's Critical Infrastructure Protection Board (CIPB). The CIPB recommends policies and coordinates programs for protecting critical infrastructure such as power grids, bridges, dams and gas lines and the information systems that support such assets. To ensure coordination between the NSC and the OHS, the Chair of the CIPB reports to both the Assistant to the President for National Security Affairs and to the Assistant to the President for Homeland Security.

Many departments and agencies have responsibilities and authorities for developing and managing counter-terrorism initiatives, assistance or programs. These efforts are guided by the principles contained in the annual National Security Strategy, and by the forthcoming, inaugural editions of the National Strategy for Combating Terrorism, the National Strategy for Homeland Security, and the National Strategy for Cyber Security.

Responsibility for different aspects of the war on terrorist financing is also distributed among many departments of the U.S. Government. The Treasury Department chairs an inter-agency group that coordinates U.S. efforts against terrorist financing. This process involves experts and policy makers from the Departments of State, Treasury, Justice, the Federal Bureau of Investigation, the intelligence community, and the White House (NSC). Additional sub-groups support the work of the interagency committee by establishing potential targets, deciding appropriate action for each of the targets, and building international cooperation.

Please indicate the dates on which the International Convention for the Suppression of the Financing of Terrorism and the United Nations Convention Against Transnational Organized Crime are to be ratified. Has a program of ratification already been embarked on?

The Senate gave advice and consent to ratification of the Terrorism Financing Convention on December 5, 2001, and the President has signed the instrument of ratification. Legislation necessary to implement the Convention passed the House of Representatives on December 20, 2001, and currently is pending in the Senate. The United States expects to deposit its instrument of ratification as soon as the necessary implementing legislation is enacted.

The United States signed the Transnational Organized Crime Convention on December 13, 2000, and expects to transmit the Convention very shortly to the Senate for advice and consent to ratification. No implementing legislation is envisaged, so ratification would follow directly after Senate action and signature of the instrument of ratification by the President.

Are natural or legal persons other than banks (e.g. attorneys, notaries or other intermediaries) required to report suspicious transactions to the public authorities, and if so, what are the penalties that apply to a person who omits to report, either willfully or by negligence?

In addition to banks, the regulations (31 Code of Federal Regulations 103.18, 103.19) implementing the Bank Secrecy Act (31 United States Code 5318(g)) require the following persons and entities to file suspicious activity reports:

- Thrifts, savings & loan associations, and credit unions (which the regulations define as "banks");
- Money transmitters, issuers/sellers/redeemers of traveler's checks, money orders, and stored value; and
- The United States Postal Service.

In addition, recent statutory amendments to 31 U.S.C. 5318 made by Section 356 of the Uniting and Strengthening America by

Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, Public Law 107-56 (October 26, 2001 - the "USA PATRIOT Act"), require Treasury to publish a final rule by July 1, 2002, requiring broker-dealers in securities to file suspicious activity reports. The rule has been published for comment, 66 Federal Register 67670 (December 31, 2001), and is being finalized for publication prior to July 1. A rule requiring casinos to report suspicious activity was published March 29, 2002, 67 F.R. 15138, and is expected to be finalized during the summer of 2002. Congress also has required the Treasury Department to determine whether commodities brokers should be required to report suspicious transactions pursuant to the Section 5318 amendments cited above, and to study whether investment companies should be brought within the Bank Secrecy Act regulations, including those requiring the reporting of suspicious transactions. Both projects are ongoing. The investment company report is due October 25, 2002.

The Bank Secrecy Act provides both civil and criminal penalties for violations of the implementing regulations, including those mandating suspicious activity reporting. Civil penalties (31 U.S.C. 5321) can be based on willful violations, negligent violations, or patterns of negligent violations. For willful violations, civil penalties may be imposed of up to the greater of the amount of the transaction (not to exceed \$100,000) or \$25,000. For negligent violations, civil penalties may not exceed \$500. For a pattern of negligent violations, a civil penalty of up to \$50,000 may be imposed. A civil penalty may be imposed notwithstanding the imposition of a criminal penalty for the same violation.

Criminal penalties (31 U.S.C. 5322) may be imposed for willful violations of the regulations in an amount up to \$250,000, the violator may be imprisoned for up to five years, or both sanctions may be imposed. Where the violation is part of a pattern of any illegal activity involving more than \$100,000 in any twelve-month period, or occurs in conjunction with the violation of another law of the United States, a fine of \$500,000, or up to ten years' imprisonment, or both, may be imposed.

Paragraph 1(b) :

Providing Support to Terrorists: Does the offence of "support to a Foreign Terrorist Organization" arise only with regard to the terrorist organizations included in a list drawn up under Section 219 of the Immigration and Nationality Act? Can proceedings be instituted against the accomplices of a terrorist organization that is not yet listed? If not, how would the United States deal with such a problem?

The United States Criminal Code has at least two distinct provisions that can be applied to those who lend material support or resources to terrorists. Perhaps, the most widely recognized provision is 18 U.S.C. 2339B, which makes it a federal crime to knowingly provide or attempt or conspire to provide material support or resources to a foreign terrorist organization, which has been designated as such by the Secretary of State, in consultation with the Attorney General and the Secretary of the Treasury.

Section 2339A enables the United States to prosecute those who provide, or attempt or conspire to provide, material support or resources for use in the commission of a wide variety of crimes, including terrorist related crimes. Those who conceal or disguise the nature, location, source of ownership of materials for use in the commission of a crime and those who aid in the escape of those committing such crimes can also be prosecuted.

(As with 2339B, the term "material support or resources" is very broadly defined to mean "currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.) Charges under 2339A may be brought whether or not a designated foreign terrorist organization is involved in the violation. (Penalties for each violation can include criminal fines and incarceration of up to fifteen years or life.)

In addition, the International Emergency Economic Powers Act, 50 U.S.C. 1701-1706 (IEEPA), authorizes the President to exercise broad emergency powers when he has declared a national emergency to deal with a threat to the national security,

foreign policy, or economy of the United States. Pursuant to IEEPA, the President issued Executive Orders 12947 of January 23, 1995, and 13099 of August 20, 1998 (both entitled "Prohibiting Transactions that Threaten to Disrupt the Middle East Peace Process"), and Executive Order 13224 of September 23, 2001 ("Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism"), which designated terrorist groups and individuals, and delegated authority to, as appropriate, the Secretary of State or the Secretary of the Treasury, in consultation with each other and the Attorney General, to designate further entities and individuals (persons), including, among others, persons providing financial, material, or technological support for, or services in support of, terrorist acts or for other designated persons, as well as persons the Secretary of the Treasury determines are owned or controlled by, or act for or on behalf of other designated persons. The Executive orders block the assets of and prohibit transactions with designated persons. Knowing violation of these prohibitions is a federal crime, and civil remedies are also provided.

Is the concept of "a Foreign Terrorist Organization" to be understood as "a foreign organization" that "engages in terrorist activity" that "threatens the security of United States nationals or the security of the United States" (section 219 INA)? If so, what measures are there to prevent or punish acts committed by terrorist organizations operating from the United States, by fund-raising for example, but for a cause not likely to affect United States interests?

For the purposes of designation of foreign terrorist organizations in connection with 18 U.S.C. 2339B, a foreign terrorist organization is (1) a foreign organization, (2) that engages in terrorist activity, which (3) threatens the security of United States nationals or the security of the United States, as prescribed pursuant to 219 of the INA.

Any United States-based fund-raising activity on behalf of a terrorist organization, even those organizations whose acts of terrorism did not target the United States, would likely easily meet the threshold level of threat to the security of United States nationals or the security of the United States, as prescribed pursuant to 219 of the INA. In addition, the

provisions of 18 U.S.C. 2339A, described above, and the provisions of the IEEPA, also described above, are available to prevent and punish acts committed by terrorist organizations operating from the United States.

Paragraph 1(d):

Does the United States have any means of monitoring financial activities, in particular fund-raising, by non-governmental associations or organizations? If so, please provide an outline.

No single agency exclusively regulates fundraising. Federal or state government agencies regulate aspects of fund-raising, depending on the subject matter and context. Monitoring non-governmental associations or organizations involves federal and state governmental oversight and private sector self-regulation.

Most fund-raising is conducted by tax-exempt organizations, which must meet certain requirements of federal tax law to establish and maintain their exemptions. The federal government administers the federal income tax laws, as well as other federal laws that affect charitable fund-raising. The Internal Revenue Service (IRS) administers the federal tax law requirements that apply to tax-exempt organizations. The IRS focuses on the operations of organizations to determine whether their activities and funds further purposes recognized by the tax law as eligible for exemption.

The state governments also regulate other aspects of non-profit organizations, including fund-raising. A majority of states have adopted uniform legislation entitled "Model Act Concerning the Solicitation of Funds for Charitable Purposes." This act requires non-profit organizations to register before raising funds and to comply with consumer protection standards. The attorney general's office of each state has authority to enforce compliance with the state's fund-raising laws as well as its non-profit corporation laws under which organizations are created.

The charitable and philanthropic sector complements governmental oversight through "watchdog" groups, management support organizations, and infrastructure groups.

I. Federal Regulation

A. Federal Tax System

1. Tax Reporting

- In general, associations, organizations, and trusts are subject to income taxation unless they are exempt under specific provisions of federal income tax law. Taxable organizations file annual tax returns with the IRS, just as any other taxable entity or individual. The tax return of a taxable organization that raised funds would show little about the use of the funds apart from information needed to determine tax liability.
- Tax-exempt organizations, except for churches, small organizations, and certain others, file annual information returns rather than tax returns. The information return (Form 990 for most organizations; Form 990-PF for a private foundation) requires organizations to report information about activities in addition to financial information, including assets, liabilities, income and expenses.
- A significant feature of the U.S. system is that information returns filed by tax-exempt organizations are not confidential, as are tax returns. Thus, the information organizations provide on Form 990 or Form 990-PF is available to the public.

2. Tax-exempt Organizations

- Tax-exempt organizations do not normally pay taxes on their income.
- Organizations eligible for tax-exempt status under section 501 (c) (3) of the Internal Revenue Code include charitable, religious, educational, or scientific organizations. They must be organized as not-for-profit organizations, which means they cannot have, or distribute income to, private

owners. They must also meet an organizational test and an operational test:

- The organizational test requires that the documents creating the organization (articles of incorporation, trust documents, etc.) contain certain standard provisions. For example, the documents must provide that the organization is created exclusively for charitable purposes and that its assets will only go for charitable purposes if the organization dissolves.

The operational test looks at the organization's operations. It must primarily engage in activities that accomplish tax-exempt purposes. It must operate for public rather than private purposes, and insiders may not unduly benefit from its operations. It cannot intervene in political campaigns, and may do only a limited amount of lobbying.

- There are two types of 501(c)(3) organizations: public charities and private foundations. Public charities include churches, schools, hospitals, and organizations that receive broad public support from public contributions. They are not subject to the strict operational controls and special taxes that are imposed on private foundations.
- Private foundations generally are charitable organizations supported by investment income rather than contributions, and are often controlled by family members. They are subject to a number of excise taxes to assure that their assets benefit charitable purposes rather than private interests. These taxes prevent insider dealings and other specified activities, and mandate a minimum level of charitable distributions.

3. Regulation of Tax-Exempt Organizations

- The IRS oversees tax-exempt organizations through the Office of the Director, Exempt Organizations ("EO") in its Tax Exempt and Government Entities Division ("TE/GE"). EO has three primary functions:

rulings, examinations, and customer education and outreach.

- The rulings program, among other functions, processes applications for recognition of tax exemption to determine if organizations meet the requirements for exemption. Except for churches and certain small charities, all organizations must apply to the Internal Revenue Service to be recognized as 501(c)(3) organizations. The IRS will review the application to ensure that the requirements for exemption are met.
 - The examination program monitors compliance with the tax laws by reviewing and verifying the annual information returns filed by tax-exempt organizations. It also conducts audits to determine whether organizations continue to operate as required by the tax laws, and assesses taxes and imposes other sanctions for non-compliance.
 - The customer education and outreach program works with tax-exempt organizations to help them understand and meet their responsibilities under the tax laws.
 - The IRS may deny an organization's application for tax-exempt status, or revoke its existing tax-exempt status, if the organization does not comply with federal tax law. A revocation means that the organization becomes taxable and, in the case of a section 501(c)(3) charity, that donors will receive no tax benefits from contributions to the organization. Revocation may also cause the state in which the organization is organized to take action to ensure its assets are used for charitable purposes.
4. Data Available on Specific Tax-Exempt Organizations
- In general, tax-exempt organizations file an application to obtain their status (Form 1023 for 501(c)(3) organizations and Form 1024 for other exempt organizations). If the application is

approved, a copy of the application is available to the public from the IRS and should be available from the organization as well.

- The application contains the organizational documents and description of the organization's intended activities as of the date of application. It will also disclose the principal officers and recent financial history.

Once an application is approved, no subsequent application is made even if the organization substantially changes its activities. Consequently, it is possible that the information on the application may be outdated and not indicative of the organization's current activities. If an organization changes its activities, it is asked to inform the IRS of the change, but the IRS does not make the notice of change public.

- As indicated above, the annual information returns prepared by tax-exempt organizations (Forms 990 and 990-PF) are available to the public, except for the organization's list of contributors. The returns list assets and liabilities, income and expenses for each year.
- Contribution income and fund-raising expenses are separately itemized.
- Contribution income and fund-raising expense reporting has not always proven to be reliable, or consistent from organization to organization. Tax-exempt organizations may try to minimize reported expenses so that their operations appear to be more efficient than they actually are. This might be done by disguising fund-raising expenses as charitable program expenses, or by "netting" contribution income against fundraising expenses (and not reporting the actual amounts netted).
- Organizations must show the total amount of grants made, but do not necessarily list particular recipients.

- Forms 990 and 990-PF are available from the IRS, and the organization must provide copies of its three most recent annual returns to anyone who asks. This requirement has facilitated efforts in the private sector to make information about tax-exempt organizations widely available. (See, for example, www.guidestar.org, a web site dedicated to making information returns and other information about charitable organizations easily accessible.)
- Tax returns and other documents that are not publicly available for inspection are generally not available for any purpose other than for federal tax administration. Examples of documents that are not publicly available are lists of contributors, files concerning the denial or revocation of tax-exempt status, and tax returns of entities that are subject to tax.
- There are certain exceptions allowing disclosure of tax information to other federal or state agencies for enforcement purposes.

B. Federal Trade Commission

- The Federal Trade Commission (the "FTC") regulates the practices of telemarketers and direct mail advertisers that promote and sell products and services to the public.
- In the Crimes Against Charitable Americans Act of 2001 (signed into law on October 26, 2001), the law extended the FTC's jurisdiction over telemarketing and consumer fraud to include charitable solicitations. It increases criminal sanctions against persons who fraudulently solicit charitable contributions in connection with the commission of other federal crimes.

II. State Regulation

- State regulation of charities vary among the 50 states, though 38 states have adopted charitable solicitation statutes.
- Charitable solicitation statutes provide the public with a means to obtain information about charities that solicit contributions in the state. They also help protect the public against solicitation fraud and misrepresentation.
- Typically, charitable solicitation statutes require a charity to register with a state agency before making any solicitation for contributions. Most states have certain exceptions, often for religious organizations, but these exemptions are not uniform among the states. Registration is generally done annually.
- Some states require annual audited financial statements to be submitted by the soliciting charities. Generally, these are available for public review.
- Some states also require individuals or contractors soliciting for contributions on behalf of charities to register annually with state agencies, and provide copies of their fund-raising contracts. Some states also require fund-raising counsel to register with the state. Generally, registration forms and contracts are public.
- 34 states accept a Unified Registration Statement in lieu of their own registration requirements. This makes registration more convenient for organizations that solicit contributions in many states.
- Most states with solicitation statutes authorize the state attorney general to prosecute violations, including fraud and misrepresentation.
- States currently are faced with the problem of solicitation through the internet.

- State charity officials have formed the National Association of State Charities Officials ("NASCO"). It works for greater uniformity and cooperation among the states, including promoting the "Model Act Concerning the Solicitation of Funds for Charitable Purposes," and coordinates with IRS Exempt Organizations Division. (NASCO's web site is www.nasconet.org.)

III. Private Sector Institutions

- The U.S. has a vibrant private charitable sector that complements government oversight. A variety of watchdog groups, management support organizations, and infrastructure organizations serve to increase visibility and accountability, increase effectiveness, and promote high standards in non-profit organizations.
- Watchdog organizations help donors make informed choices by providing information about how effectively or honestly a charity soliciting funds may be operating. Examples include Guidestar, mentioned above, and the Better Business Bureau Wise Giving Alliance, which collects and distributes information about programs, practices, and finances of many charitable organizations soliciting contributions nationwide. (See www.give.org.)
- Some organizations focus on concerns of the non-profit community or particular segments of it. For example, Independent Sector is a coalition of more than 700 national organizations, foundations, and corporate philanthropy programs that serves to promote, strengthen, and advance the non-profit and philanthropic community to foster private initiative for the public good. Its broad mission includes helping organizations improve both accountability and effectiveness. (See, www.independentsector.org.)

Other organizations focus efforts on a segment of the non-profit community. For example, the Evangelical Council for Financial Accountability ("ECFA") comprises charitable, religious, social, and educational organizations. It is an accreditation organization that grants or withholds membership based upon its

review of financial practices and accomplishments of organizations that apply. (See www.ecfa.org. ECFA is the United States member of the International Committee for Fundraising Organizations ("ICFO").

Paragraph 2 (a):

How does the United States control the establishment in its territory of para-military groups that have the potential to engage in terrorist activities?

The FBI and other law enforcement agencies throughout the United States conduct ongoing investigations regarding activities of para-military groups that may perpetrate or support terrorist acts. Extensive liaison efforts at all levels try to ensure that the United States has current and thorough information regarding such groups and their activities. In addition, the FBI has established Joint Terrorism Task Forces in 51 of its 56 field offices. Working in coordination with law enforcement communities, the FBI uses a broad range of investigative techniques including human and technical sources, aggressive undercover operations, analysis of telephone and financial records, mail covers and physical surveillance. All of these investigative efforts are employed once there is reason to believe that an individual or organization may intend to engage in terrorist activity.

Weapons: What measures does the United States have to prevent terrorists [from] obtaining weapons in its territory, in particular small arms or light weapons? What is the United States legislation concerning the acquisition and possession of such weapons?

Under the Gun Control Act of 1968 (GCA), 18 U.S.C. Chapter 44, it is with some exceptions unlawful for non-immigrant aliens to receive or possess firearms in the United States. 18 U.S.C. 922(g)(5). However, the statute provides a number of exceptions to this prohibition, including persons admitted under non-immigrant visas who obtain a hunting license or permit issued by any State. 18 U.S.C. 922(y)(2). It is also, with exceptions, unlawful for any person to transfer a firearm to a person whom they know or have reasonable cause to believe has been admitted to the United States

on a non-immigrant visa or who is an illegal alien. 18 U.S.C. 922(d)(5). Further, non-immigrant aliens must establish residency in a State for at least 90 days before they may lawfully acquire a firearm from a Federal firearms licensee. 18 U.S.C. 922(a)(3), 922(a)(5), 922(b)(3). Moreover, attempted acquisitions of firearms from federal firearms licensees by any unlicensed purchaser, including aliens, is subject to a criminal history background check and a check of the Immigration and Naturalization Service database on immigration status. A check of these databases is designed to preclude non-immigrant and illegal aliens, as well as other "prohibited persons" (e.g. felons), from acquiring firearms from licensees. In addition to the criminal prohibitions on the acquisition, transfer and exportation of certain weapons that appear in the U.S. Code (Chapter 44 - Firearms), 18 U.S.C. 921, et seq., there are more specific provisions against providing material support and resources to terrorists and designated foreign terrorist organizations. Particularly, 18 U.S.C. 2339A and 2339B (as described in previous submissions and in response to the supplemental query regarding paragraph 1(b)) make it a crime to provide or to attempt or conspire to provide, material support or resources, intending the material support or resources to be used in the commission of a wide variety of specified terrorist related crimes (2339A) or to go to a designated foreign terrorist organization (2339B). Material support or resources is very broadly defined and specifically includes not only funds and monetary instruments, but also includes "training, expert advice or assistance ... weapons, lethal substances, explosives, personnel ... and other physical assets ..." Penalties for violation can include criminal fines and incarceration for life.

The foregoing applies only to the federal government. States and local governments also have numerous laws regulating purchase and possession of firearms.

Other measures: Does the United States have any means of detecting at the local, as distinct from the national, level activities preparatory to a terrorist act? Are there agencies and procedures at the local level for monitoring sensitive activities, such as combat sports and shooting with light weapons, paramilitary training, the piloting of aircraft, biological laboratories and the use of explosives for industrial purposes?

The FBI, in coordination with other law enforcement agencies, conducts local investigations to detect terrorist activity. Joint terrorism task forces, that include personnel from the FBI, other federal agencies, and local law enforcement officials, jointly investigate suspicious activity.

After September 11, 2001, most states established offices to promote homeland security. These offices coordinate and streamline efforts of local and state authorities to prevent terrorist activity.

Paragraph 2(e):

Are the relevant provisions of the Penal Code of the United States applicable in all of the following circumstances?

Acts committed outside the United States by a person who is a citizen of, or habitually resident in, the United States (whether that person is currently present in the United States or not); acts committed outside the United States by a foreign national who is currently in the United States?

The provisions of the criminal code directed against terrorist acts are among the most serious offenses under United States law. Not only do they carry substantial penalties, including life imprisonment or, in certain circumstances, the death penalty, but many of them also include extraterritorial jurisdiction that make them applicable to "acts committed outside the United States by a person who is a citizen of, or habitually resident in, the United States (whether that person is currently present in the United States or not);" and "acts committed outside the United States by a foreign national who is currently in the United States".

(See, for example, 18 U.S.C. 32 (relating to the destruction of aircraft), 37 (relating to violence at international airports), 351 (relating to congressional or Cabinet officer assassination), 831 (relating to prohibited transactions involving nuclear materials), 844(f) or (i) (relating to destruction by explosives or fire of government property or property affecting interstate or foreign commerce), 875 (relating to interstate communications), 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country), 1111 (relating to murder), 1114 (relating to murder of United States law enforcement officials),

1116 (relating to murder of foreign officials, official guests, or internationally protected persons), 1201 (relating to kidnapping), 1203 (relating to hostage taking), 751 (relating to Presidential assassination), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to terrorist acts abroad against United States nationals), 2332a (relating to use of weapons of mass destruction), 2332b (relating to international terrorist acts transcending national boundaries), or 2339A (relating to providing material support to terrorists).

Paragraph 3(c):

Please indicate the date on which the International Convention for the Suppression of Terrorist Bombings is to be ratified. Has a program of ratification already been embarked on?

The Senate gave advice and consent to ratification of the Terrorist Bombings Convention on December 5, 2001, and the instrument of ratification is before the President for signature. Legislation necessary to implement the Convention passed the House of Representatives on December 20, 2001, and currently is pending in the Senate. The United States expects to deposit its instrument of ratification as soon as the necessary implementing legislation is enacted.

Please provide a list of the relevant bilateral agreements to which the United States is party.

As noted in the United States' previous report to the Counter-Terrorism Committee, the United States provides assistance for criminal investigations or proceedings relating to terrorist acts pursuant to 47 bilateral mutual legal assistance treaties and agreements currently in force. These are with Antigua and Barbuda; Argentina; Australia; Austria; Bahamas; Barbados; Belgium; Brazil; Canada; China; Czech Republic; Dominica; Egypt; Estonia; France; Greece; Grenada; Hong Kong; Hungary; Israel; Italy; Jamaica; Korea; Latvia; Lithuania; Luxembourg; Mexico; Morocco; Netherlands; Panama; Philippines; Poland; Romania; Russian Federation; St. Kitts and Nevis; St. Lucia; St. Vincent and the Grenadines; South Africa; Spain; Switzerland; Thailand; Trinidad and Tobago; Turkey; Ukraine; United Kingdom (Cayman Islands); United Kingdom; Uruguay.

Paragraph 3(e) :

Have the crimes mentioned in the relevant international conventions been included as extraditable offences in the bilateral treaties to which the United States is party?

Each of the UN conventions and protocols that address a particular terrorist crime also deem that criminal offense to be included in any bilateral extradition treaty existing between States Parties to the UN instrument. Thus these multilateral instruments themselves have the legal effect of incorporating the offenses they address into all U.S. bilateral extradition treaties, and corresponding amendments to each individual bilateral extradition treaty are unnecessary.

Paragraph 4:

Has the United States addressed any of the concerns expressed in paragraph 4 of the resolution?

The United States is working domestically and with other countries and international organizations to uncover and sever ties among terrorists, transnational organized crime, illicit drugs, money-laundering, and illegal arms trafficking. The U.S. is increasingly concerned about the possibility of illegal movement of nuclear, chemical, biological, and other potentially deadly materials. For example, the United States is working with its partners in G-8, OSCE, NATO, OAS, and other international organizations to advance the fight against terrorism through law enforcement and judicial cooperation; aviation, border, container and document security; freezing of terrorist-linked assets; non-proliferation of weapons of mass destruction, and other areas of concern. The U.S. is also working with organizations, such as the Financial Action Task Force, to help them expand their traditional role in helping to prevent money laundering, including terrorist financing. In addition, the United States has begun to work with several countries on anti-terrorist financing technical assistance needs assessments and on follow-on implementation programs.

The United States is incorporating a more robust anti-terrorism component into its international law enforcement training curricula. The U.S. now includes a counter-terrorism segment in the core courses of its International Law Enforcement Academies (ILEAs). It

is also in the process of creating a specialized anti-terrorism course to be taught in the ILEAs. Moreover, the U.S. has begun offering a seminar in Washington on drafting anti-terrorism legislation for countries that need such assistance.

The U.S. Government is working with other countries bilaterally, regionally and in other multilateral fora to address issues related to international crime and terrorism. For example, the U.S. is assisting the Afghan Interim Authority to combat the production and trafficking of illicit drugs, with an emphasis on alternative development for poppy farmers. The U.S. is working with the UN Office for Drug Control and Crime Prevention on an appropriate role for its Terrorism Prevention Branch to play in facilitating legal assistance and advice to states seeking to ratify and implement the 12 UN counter-terrorism conventions.

Finally, the U.S. Government is working with the International Atomic Energy Agency (IAEA) on a comprehensive plan to address the threat of nuclear and radiological terrorism, and to help member states protect and secure sensitive material and facilities. The U.S. is also working with other countries to enhance the ability of multilateral export control regimes to prevent terrorist groups and their supporters from acquiring weapons of mass destruction (WMD) materials and technology.

Other Matters:

Organization Charts

- Department of State
 - Department of the Treasury
 - Department of the Treasury Legal Division
 - Office of Foreign Assets Control
 - Homeland Security/National Security Advisor
 - Assistant to the President for Homeland Security
-



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Letter dated 17 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

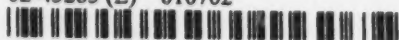
I write with reference to my letter of 10 April 2002 (S/2002/380).

The Counter-Terrorism Committee has received the attached supplementary report from Ireland, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) **Jeremy Greenstock**
Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex

Letter dated 14 June 2002 from the Permanent Representative of Ireland to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Further to your letter of 22 March 2002, I have the honour to forward to you the Government of Ireland's second report to the Counter-Terrorism Committee established pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

(Signed) Richard Ryan
Ambassador
Permanent Representative

Enclosure**Ireland: second report to the Counter-Terrorism Committee established pursuant to paragraph 6 of Security Council resolution 1373 (2001)**

This second report addresses the comments/questions in the letter of 22 March 2002 from the Chairman of the Counter Terrorism Committee.

The process of giving effect to UNSCR 1373 is ongoing at both national and European Union (EU) level. In particular, work is proceeding at national level on proposals to give effect in domestic law to the conventions directed against terrorism to which Ireland is not yet party, as well as the EU Framework Decision on Combatting Terrorism, which makes provision for, inter alia, a common EU definition of terrorist acts.

It will be recalled from Ireland's first report to the Counter-Terrorism Committee that Irish law has not to date defined terrorism. Accordingly, terrorist offences have traditionally been dealt with by reference to relevant offences under the criminal law (which has general application), e.g. murder, explosives and firearms offences, unlawful seizure of aircraft, as well as dedicated provisions of the Offences Against the State Acts, 1939-1998.

The new legislation will have direct application to terrorism. In addition, the legislation will complement a number of the pertinent existing measures in general criminal law.

Paragraph 1 (a)

As indicated above, offences that are terrorist in nature have hitherto been dealt with by applying the appropriate provisions of the criminal law.

In January 2002, the Government approved proposals for the drafting of a Criminal Justice (Financing of Terrorism) Bill, which will give effect to the *International Convention on the Suppression of the Financing of Terrorism*. The preparation of the Bill is well advanced. Consideration is being given in that context to the manner in which the provisions of the Criminal Justice Act, 1994 can be best applied to the financing of terrorism. The intention is to provide, inter alia, that appropriate powers and procedures are available to ensure that funds used or intended for use in the commission of terrorist offences can be frozen and forfeited.

Given the links between terrorist crime and money laundering, the provisions of the Criminal Justice Act, 1994 are also available for the purpose of combatting terrorist crime. The Act provides for an offence of money laundering which applies to property which is known or believed to represent the proceeds of criminal conduct (section 31). The Act also imposes a number of obligations on designated bodies for the purposes of the Act with a view to combatting money laundering.

Designated bodies are required by the Act to take measures to prevent and assist in the detection of money laundering. Those obligations include establishing the identity of persons for whom it is proposed to provide services, retaining such identification information and documents relating to transactions for a specified period, and the adoption of measures to prevent and detect the commission of money laundering offences. Designated bodies are also required to prevent and detect the commission of offences by establishing procedures to be followed by directors, officers and employees of the designated body; by the giving of instructions to those persons on the application of the 1994 Act and the EU Money Laundering Directives; and by the training of those persons to enable them to identify a transaction which may relate to the commission of a money laundering offence (section 32). Persons to whom these obligations apply are also under a duty to report to the Garda Síochána (Irish Police) where they suspect that an offence relating to money laundering or a contravention of measures required to be taken to prevent money laundering has been or is being committed (section 57). The Act also enables the designation of States or territorial units which do not have in place adequate procedures for the detection of money laundering and requires designated bodies to report any transactions connected to such States or territories (section 57A).

Detailed guidance to financial institutions on the fulfilment of their legal obligations under the Criminal Justice Act 1994 is set out in Guidance Notes issued by the Money Laundering Steering Committee which is chaired by the Department of Finance and contains representatives of the relevant Government departments, the Garda Síochána, regulators and industry bodies. The Central Bank and the Department of Enterprise, Trade and Employment, as regulators of the financial sector, audit financial institutions to ensure that they have procedures in place to ensure compliance with their legal obligations under the Criminal Justice Act 1994.

Designated bodies for the purposes of the Act extend at present to banks, building societies, credit unions, bureaux de change, stockbrokers, insurance companies, money brokers, investment companies and unit trust management companies. Consultations will be commencing shortly with a view to extending the list of designated bodies in accordance with the Second EU Money Laundering Directive to a range of additional persons and bodies, including money transmission/remittance offices, auditors, accountants, tax advisers, real estate agents, lawyers, dealers in high value goods and casinos.

The maximum penalty for non compliance with the reporting provisions (section 57) on indictment is a fine or imprisonment for a term not exceeding 5 years or both. The penalty in the event of a summary conviction is a fine not exceeding 1,270 euro or imprisonment for a term not exceeding 12 months or both. There have been no prosecutions under this provision to date.

Paragraph 1 (b)

The Financial Transfers Act, 1992 enables the Minister for Finance, by order, to make provision for the restriction of financial transfers between the State and other countries. It creates an offence and sets out penalties for the contravention of such an order. An order under the Financial Transfers Act, 1992 usually prohibits financial transfers between the state and another country in relation to persons, entities or bodies specified in EU Regulations containing financial sanctions. The Act cannot be applied to "terrorist" organisations generically.

With regard to the Offences Against the State Acts, 1939-98, section 18 of the 1939 Act provides that organisations which engage in specified forms of activity are unlawful organisations within the meaning and for the purposes of those Acts. The section accordingly provides that any organisation which:

- (a) engages in, promotes, encourages, or advocates the commission of treason or any activity of a treasonable nature, or
- (b) advocates, encourages, or attempts the procuring by force, violence, or other unconstitutional means of an alteration of the Constitution, or
- (c) raises or maintains or attempts to raise or maintain a military or armed force in contravention of the Constitution or without constitutional authority, or
- (d) engages in, promotes, encourages, or advocates the commission of any criminal offence or the obstruction of or interference with the administration of justice or the enforcement of the law, or
- (e) engages in, promotes, encourages, or advocates the attainment of any particular object, lawful or unlawful, by violent, criminal, or other unlawful means, or
- (f) promotes, encourages, or advocates the non-payment of moneys payable to the Central Fund or any other public fund or the non-payment of local taxation,

is an unlawful organisation. Certain related provisions - including the offence of inciting or inviting another person to support or assist the activities of such organisations under section 3 of the Criminal Law Act 1976 - apply generally to such organisations. Other provisions of the Offences Against the State Acts, however, require the making of a suppression order in respect of the organisation in question in accordance with section 19 of the 1939 Act before they will have application. Such provisions include those providing for the forfeiture of the property of an unlawful organisation.

As indicated in relation to subparagraph 1 (a), work is well advanced on the preparation of a Criminal Justice (Financing of Terrorism) Bill, which will enable Ireland to give effect to the International Convention on the Suppression of the Financing of Terrorism.

Paragraph 1 (c)

Since Ireland's first report to the CTC, EC Regulation 467/2001 (giving effect to UN Security Council Resolutions 1267/1333) has been repealed and replaced by EC Regulation 881/2002 of 27 May, 2002 (giving effect to UN Security Council Resolution 1390). Additional measures directed to the freezing of funds of persons and entities with a view to combatting terrorism have also been adopted at EU level in the period since Ireland's first report.

The relevant EU measures, which have direct effect in Ireland, are as follows:

- EC Council Regulation 881/2002 on specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.
- EC Council Regulation 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combatting terrorism and the related Council Decisions 2001/927/EC establishing the list provided for in that Regulation and 2002/334/EC updating that list. The list is likely to continue to be updated on a frequent basis.

The Central Bank of Ireland is the competent authority which supervises financial institutions regarding implementation of EC Regulations in relation to freezing of funds.

With regard to domestic statutory provisions referred to in our first report, these have application in different circumstances within the limits of the scope of the measures in question. As previously indicated, section 22 of the Offences Against the State Act, 1939 provides, inter alia, that on the making of a suppression order in respect of an unlawful organisation all property of such organisation is forfeited to and vested in the Minister for Justice, Equality and Law Reform. The section also permits the Minister to take possession etc. of such property and to take such legal proceedings and other steps as may appear necessary or expedient for that purpose. The Offences Against the State (Amendment) Act, 1985 provides a procedure whereby the Minister for Justice, Equality and Law Reform can authorise the restraint of funds held by any person which are believed to be for the use or benefit of such an unlawful organisation, with provision for a person claiming to be the owner of such funds to take proceedings before the High Court seeking their recovery.

Likewise, as indicated in our initial report, other provisions of the criminal law relating to the proceeds of crime more generally could also have application to terrorist financing and would permit the confiscation of terrorist finances where these can be shown to be the proceeds of crime either directly or indirectly. The Criminal Justice Act, 1994 contains detailed and comprehensive provisions for the confiscation of the proceeds of crime following a conviction but also permits such proceeds to be made subject to a restraint order either in the course of criminal proceedings or where criminal proceedings are contemplated. The Proceeds of Crime Act, 1996 enables the High Court to freeze and ultimately dispose of property which the court is satisfied, on the balance of probabilities, is the proceeds of crime. The bringing of proceedings under the 1996 Act does not require either a prior conviction or criminal proceedings to have been initiated against a person.

In accordance with section 9 of the Criminal Justice Act, 1994, where a person is convicted of an offence other than a drug trafficking offence, the Director of Public Prosecutions may, following the conviction, apply to the court to determine whether the person has benefited from the offence and to make a confiscation order for such sum as the court thinks fit. In the case of a conviction for a drug trafficking offence, the court will automatically determine whether the person has benefited from the offence and, if it is satisfied that there has been such a benefit, the court can require the repayment of that benefit. Section 24 of the Act provides for the making of a restraint order in circumstances where a confiscation order has been made or where it is likely to be made. It prohibits any person from dealing with realisable property, subject to any conditions and exceptions specified in the order. Under the section the court can issue a restraint order either where criminal proceedings have been instituted against a person or where proceedings are anticipated. Where a restraint order is in place the Garda Síochána, or the customs service, are empowered to seize the property to prevent it being removed from the State. Section 61 provides that a forfeiture order may be made in respect of property used in the commission, or intended commission, of an offence. This section was amended by the Offences against the State (Amendment) Act, 1998 to include provision that where a person has been convicted of an offence related to the use of explosives or firearms and there is related property available, a forfeiture order must be made unless the making of the order gives rise to a serious risk of injustice.

With regard to the Proceeds of Crime Act, 1996, the position is that the High Court is empowered to make an interim order freezing property for up to 21 days on the basis of an ex parte application by a member of the Garda Síochána not below the rank of Chief Superintendent or a Revenue official. An interlocutory order, freezing property for up to 7 years, may then be sought under section 3. The Garda Síochána or the Revenue must make out a case to the court that the property is the proceeds of crime. If the court accepts that they have succeeded in this, the onus then shifts to the respondent to show that this is not the case. Where the property remains frozen for 7 years, the Act empowers the High Court, upon application by a member of the Garda Síochána not below the rank of Chief Superintendent or a Revenue official, to make a disposal order. The court must make the

order unless it is shown to its satisfaction that the property is not the proceeds of crime. The effect of a disposal order is to deprive the respondent of any rights in the property.

The new Criminal Justice (Financing of Terrorism) Bill, which will give effect in Irish law to the *Convention for the Suppression of the Financing of Terrorism*, and on which work is well advanced, will also create new possibilities by reference to both the procedures available under the Criminal Justice Act, 1994 and the Proceeds of Crime Act, 1996.

Paragraph 1 (d)

At present, there is no system of charity registration in Ireland other than by the Revenue Commissioners for tax purposes. The Agreed Programme of the recently elected Government, published in June 2002, commits the Government to comprehensive reform of the law relating to charities to ensure accountability and to protect against abuse of charitable status and fraud. Proposals for legislative reform will be brought forward as soon as possible following completion of a consultation process involving interested parties.

The Garda Síochána maintains relevant surveillance, in cooperation with police forces in other countries and with the relevant international police organisations.

Paragraph 2 (a)

Section 3 of the Criminal Law Act, 1976 makes it an offence for any person to recruit another person for an unlawful organisation or to incite or invite another person to join an unlawful organisation or to take part in or support or assist its activities. Section 18 of the Offences Against the State Act 1939 sets out the criteria according to which an organisation is an unlawful organisation and these are set out in full in the response to a query raised in the context of paragraph 1(b). More generally the 1939 Act defines the word "organisation" as including associations, societies and other organisations or combinations of persons of whatsoever nature or kind whether known or not known by a distinctive name.

The provisions of the criminal law governing conspiracy, aiding and abetting, and attempting to commit offences would have application where recruitment was taking place by or for an individual (as distinct from by or for an organisation) in appropriate circumstances, i.e. where the purpose was criminal.

Proposals for legislation to give effect to the EU Framework Decision on Combatting Terrorism are in the course of preparation. That legislation will have relevance both to issues dealt with in the context of this specific subparagraph of UNSCR 1373 and more generally, as the Framework Decision includes provision for:

- a common EU definition of terrorist offences by reference to specified conduct as defined as offences under national law when committed with the aim of seriously intimidating a population, unduly compelling a Government or international organisation to perform or abstain from performing an act, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or international organisation
- offences relating to terrorist groups such as directing or knowingly participating in the activities of such groups, as well as other terrorist linked offences which are committed for the purpose of committing terrorist acts
- the penalties to apply to terrorist offences, etc. and the circumstances in which jurisdiction may be exercised in respect of such offences when committed outside Ireland.

With regard to controls in the area of firearms, the relevant statutory provisions are contained in sections 10, 16 and 17 of the Firearms Act 1925, sections 20 and 21 of the Firearms Act 1964 in addition to the European Communities (Acquisition and Possession of Weapons and Ammunition) Regulations 1993. The strict firearms licencing policy extends to the importation of firearms into the State. The importation of pistols, air pistols, revolvers, handguns and stun guns is totally prohibited. Furthermore, no licences permitting the manufacture of firearms or ammunition are currently in existence.

Paragraph 2 (b)

The primary agency with responsibility for law enforcement in Ireland, including counter terrorism, is the Garda Síochána. This force also conducts the intelligence gathering function associated with the prevention and investigation of crime including terrorism. The Garda Síochána are operationally independent but are subject to the general law enforcement policies set by Government.

With regard to measures directed to the prevention of recruitment etc., section 3 of the Criminal Law Act, 1976, which has been previously referred to, would be relevant within the terms of the legislation in question. Provisions of the criminal law more generally in the area of fraud could have application in cases of misrepresentation. The legislation which will give effect to the *Convention for the Suppression of Financing of Terrorism* and the EU Framework Decision on Combatting Terrorism is also likely to have application in this area.

Paragraph 2 (d)

The general principle in Irish law is that jurisdiction is territorial. There are exceptions, however, and extraterritorial jurisdiction can be exercised in accordance with law. Relevant exceptions for this purpose include:

- offences within the scope of the *Convention on Offences and Certain Other Acts Committed on Board Aircraft*, the *Convention for the Suppression of Unlawful Seizure of Aircraft*, the *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* and the *Convention on the Physical Protection of Nuclear Materials* under the relevant legislation
- offences within the scope of the *European Convention on the Suppression of Terrorism* when committed outside the State in certain circumstances by virtue of sections 5 and 6 of the Extradition (European Convention on the Suppression of Terrorism) Act, 1987
- the offence of murder, manslaughter and offences under sections 2 and 3 of the Explosive Substances Act, 1883 when committed outside the State by an Irish citizen
- scheduled offences for the purposes of the Criminal Law (Jurisdiction) Act 1976 when committed in Northern Ireland.

More generally, section 38 of the Extradition Act, 1965 provides that where a citizen of Ireland does an act outside the State which constitutes an offence for which he would be liable to extradition but for the fact that he is a citizen of Ireland he shall be guilty of the like offence as if the act were done in the State.

Implementation of the EU Framework Decision on Combatting Terrorism will supplement these provisions as it requires extraterritorial jurisdiction to be taken in respect of terrorist offences coming within the scope of the Decision in certain circumstances including where committed by a national or resident. Proposals for legislation to give effect to the Framework Decision are in the course of preparation.

Paragraph 2 (e)

As previously stated, Irish law does not as yet distinguish terrorist acts for the purposes of the criminal law. Terrorist acts accordingly fall to be dealt with by reference to the relevant offences under the criminal law, e.g. murder, explosives, firearms. Likewise the provisions of the criminal law governing conspiracy, aiding and abetting, and attempting to commit offences in addition to substantive offences are relevant to the preparation for particular terrorist acts.

The position in this regard will also change when legislation to give effect to the EU Framework Decision on Combatting Terrorism is enacted. The Framework Decision makes provision, inter alia, for a common definition of terrorist acts and certain minimum criminal sanctions.

Paragraph 2 (g)

With regard to measures directed to the control of immigration, the Government in April 2000 increased the approved strength of the Garda Síochána by 200 members for assignment to the Garda National Immigration Bureau. The Bureau, which was established in May 2000, is charged, inter alia, with:

- the effective co-ordination of operational strategies and resources at point of entry into the State (airports, ports and border crossings)
- the co-ordination and direction of strategies to combat trafficking in illegal immigrants
- the effective co-ordination of activities leading to the execution of deportation orders
- the strengthening of international liaison arrangements on relevant immigration issues including liaison with Garda liaison officers based abroad.

With regard to measures in relation to the issuance of documents to foreign residents, the position is that, subject to certain limited exceptions, every person who is not a national of the European Economic Area (the 15 countries of the EU, Norway and Iceland) and who is present in the State for more than three months is required to register with the Garda Síochána.

The Garda National Immigration Bureau has introduced a new computerised registration information system which first went live in September, 2001 and which has now replaced the previous paper based manual registration process. The new system enables all data to be recorded electronically and the customer is issued on the day of registration with a credit card size registration certificate incorporating a digitised photograph. The new high security card is now issued in respect of all first time registrations and all persons renewing the older paper certificate. By the end of 2002 the vast majority of paper certificates will have been replaced with electronically generated cards. The new system contains easily retrievable details of every non-EEA national who registers in the State and every non-EEA national who has been deported or who is in the process of being deported.

The security features embodied in the new high security card make it more difficult for criminals to abuse them through counterfeit or forgery. The development also has

significant advantages in terms of readily accessing information for intelligence purposes. It will also facilitate the exchange of urgently requested operational information with other Governments. It will enable the maintenance of accurate records of non-EEA nationals resident in the State and the development of a more effective "watch list" system. The system will act as an initial and significant platform in increasing the security of identity papers and travel documents issued.

The system is to be further developed in the course of the year with a view to:

- its extension in terms of geographical location to all ports of entry into the State, and
- enabling the system to hold additional information and interact with other systems, e.g. other Government agencies, airlines. This envisages the use of document examination technology and facial recognition software at ports and airports throughout the State.

Paragraph 3 (c)

The relevant bilateral agreements to which Ireland is party are as follows:

Agreement between the Government of Ireland and the Government of the Russian Federation on co-operation in combatting illicit trafficking and abuse of narcotic drugs and psychotropic substances (in force).

Agreement between the Government of Ireland and the Government of the Russian Federation on co-operation in fighting crime (in force).

Agreement between the Government of Ireland and the Government of the Republic of Hungary on Co-operation in Combatting Illicit Drug Trafficking, Money Laundering, Organised Crime, Trafficking in Persons, Terrorism and other serious crime (in force).

Agreement between the Government of Ireland and the Government of the Republic of Poland on Co-operation in Combatting Organised Crime and other Serious Crime (signed but not yet in force).

Agreement between the Government of Ireland and the Government of the Republic of Cyprus on Co-operation in Combatting Illicit Drug Trafficking, Money Laundering, Organised Crime, Trafficking in Persons, Terrorism and Other Serious Crime (signed but not yet in force).

Agreement between the Government of Ireland and the Government of the Republic of Bulgaria on Co-operation in Combatting Illicit Trafficking in Drugs and Precursors,

Money Laundering, Organised Crime, Trafficking in Persons, Terrorism and Other Serious Crime (signed but not yet in force).

A Memorandum of Understanding between the Garda Síochána and the Ministry of Internal Affairs of the Russian Federation on co-operation in the field of law enforcement will be signed shortly.

A Memorandum of Understanding between the Garda Síochána and the Hungarian National Police to enhance co-operation between the Irish and Hungarian national police services will be signed shortly.

Paragraph 3 (d)

The Government approved proposals for the drafting of a Criminal Justice (United Nations Conventions) Bill and a Criminal Justice (Financing of Terrorism) Bill in December 2001 and January 2002 respectively. The Criminal Justice (United Nations Conventions) Bill will give effect in Irish law to the *International Convention for the Suppression of Terrorist Bombings - New York, 1997*, the *Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, 1973* and the *Convention Against the Taking of Hostages, 1979*. The Criminal Justice (Financing of Terrorism) Bill will give effect to the *International Convention for the Suppression of the Financing of Terrorism - New York, 9 December, 1999*. Preparation of the Bills is well advanced.

The Government will also bring forward legislation to permit Ireland to become party to the *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation* and the *Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf*.

Accession by Ireland to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1991* will not require primary legislation. The Government will shortly move a Parliamentary motion seeking approval of the terms of the Convention.

Paragraph 3 (e)

Ireland is a party to the following two bilateral treaties on extradition:

- Treaty on Extradition between Ireland and the United States of America, signed on 13 July 1983, and entered into force on 15 December 1984, registered with the United Nations Secretariat (No. 26242)

- Treaty on Extradition between Ireland and Australia, signed on 2 September 1985, and entered into force on 29 March 1989, registered with the United Nations Secretariat (No. 26637).

Neither treaty specifies each crime to be considered extraditable, but rather defines, in Article II of both treaties, an extraditable offence as one which is "punishable under the law of both Contracting Parties by imprisonment for a period of more than one year, or by a more severe penalty".

Paragraph 4

Ireland is aware of the close connection between international terrorism and the other serious threats listed in paragraph 4. It is playing a full role in the development and co-ordination of efforts to strengthen a global response. It is working actively within the UN and the EU for this purpose.

Transnational Organised Crime

While organised crime is a relatively recent phenomenon in Ireland, it is recognised that international organised crime groups have established global networks which pose a threat to the international community. In Ireland in recent years, the threat of organised crime has been met through strong legislative measures supported by rigorous enforcement. The core legislation enacted includes the Criminal Assets Bureau Act, 1996; the Proceeds of Crime Act, 1996; the Disclosure of Certain Information for Taxation and Other Purposes Act, 1996; as well as amendments to the Revenue and Social Welfare Acts.

The overall result has been to provide a legal basis for identification of the suspected proceeds of crime and to deny criminals of the enjoyment of those proceeds. The Criminal Assets Bureau (CAB) has primary responsibility for the enforcement of these laws, using a multi-agency approach. It is staffed by officers from the Garda Síochána, Revenue Commissioners (Taxes), Revenue Commissioners (Customs), and the Department of Social and Family Affairs. It enforces the Proceeds of Crime Act, 1996, whereby specified property can be made the subject of freezing orders, and eventually realised to the benefit of the State. The CAB also ensures that tax and social welfare legislation is applied to persons engaged in criminal activity.

At EU level, Ireland takes part in the integrated approach to tackling organised crime within the framework of the Multi-Disciplinary Working Group on Organised Crime. An EU Strategy for the prevention and control of organised crime is in place to prioritise the measures which will be implemented over the coming years.

Ireland is currently examining legislative proposals to give effect to the UN Convention against Transnational Organized Crime and two related Protocols on the smuggling of

migrants and trafficking of persons. The necessary legal measures to give effect to the Council of Europe Convention on Cybercrime, signed in February 2002, are also under consideration.

Money-Laundering

See paragraph 1(a) above.

Illicit Drugs

The National Drugs Strategy 2001-2008 details the Irish Government's overall strategic objectives and implementing policies for the coming years. The Department of Justice, Equality and Law Reform has overall responsibility for policy on the reduction of the supply of drugs. In recent years, several legislative and criminal justice measures have been put in place to inhibit the supply of drugs, including the Criminal Justice Act 1994, which provides for seizure and confiscation of assets derived from the proceeds of drug trafficking; the Criminal Justice (Drug Trafficking) Act 1996 which provided for the detention of persons suspected of drug trafficking for up to seven days; the Criminal Assets Bureau Act 1996 (described previously); the Disclosure of Certain Information for Taxation and other purposes Act 1996, which provides for exchange of information between the Revenue Commissioners and the Garda Síochána; and the Bail Act 1997, which allows for the refusal of bail to a person who has been charged with a serious offence.

The Garda National Drug Unit was established in 1995 with specific responsibility for targeting national and international drug trafficking. The GNDU works closely with other national and international agencies including the Criminal Assets Bureau, other specialist Garda units, Customs National Drugs Team, Irish Navy, Interpol, Europol and foreign police and customs services. Ireland has Drug Liaison officers in France, Spain and Holland and has officers permanently based at Interpol in Lyon and at Europol in The Hague.

Illegal Arms Trafficking

Ireland does not produce arms. The import and export of arms must be licenced in accordance with the Firearms Acts 1925 and 1964, and the EC (Acquisition and Possession of) Weapons and Ammunition Regulations 1993. Exports are also subject to the Control of Exports Act 1993 and Statutory Orders made thereunder, and to the international obligations and responsibilities derived from membership of the United Nations, the EU, the OSCE and other entities which involve obligations concerning the regulation of arms exports. These include the United Nations Register of Conventional Arms, the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, 2001, the European Union Code of Conduct on Arms Exports, 1998, the OSCE Document on Small Arms and Light Weapons, 2000, and the Wassenaar Arrangement.

Illegal Movement of Deadly Material

Nuclear Material: The International Atomic Energy Agency (IAEA) has over recent years developed a programme to combat illicit trafficking in nuclear materials in which all IAEA member states have been invited to participate. Ireland, through the Department of Public Enterprise, the Department of Foreign Affairs and the Radiological Protection Institute of Ireland (RPII) has participated in some of these activities, e.g. simulations of illicit trafficking incidents. On 5 June 2002 the RPII advised the IAEA that Ireland wished to join the programme as a fully participating state.

Ireland's ratification process is already under way on Additional Protocol II to the IAEA Safeguards Agreements. This Protocol provides for strengthening of the Safeguards Agreement by, inter alia, requiring that information be submitted to the IAEA on export, import, production and manufacture of nuclear and related material.

Chemical Material: Ireland is a State Party to the Chemical Weapons Convention and abides by regulations set out by the Organization for the Prohibition of Chemical Weapons. Ireland's annual returns to the OPCW provide a record of transfer of material in and out of the State and these are cross-referenced with the returns of other countries to ensure that there are no discrepancies. A license is required for the keeping of a Schedule One chemical and any movement from the licensed site requires a new license application.

Biological Material: Ireland is a party to the Biological and Toxin Weapons Convention and is currently reviewing the legislative situation regarding activities in the biological field which are or may be within the scope of that Convention.

Ireland is also a member of the Australia Group and the Nuclear Suppliers Group, which regulate export of dual-use goods and technologies in the chemical, biological and nuclear fields. In addition, Ireland implements the EU Regulation on Dual-Use goods.

Other Matters:

The following are the organisations charged with giving practical effect to the laws, regulations and other documents which contribute to compliance with the Resolution:

Garda Síochána

The Garda Síochána is Ireland's national police service and was established in 1922. It has responsibility for the maintenance of law and order within the State. In addition to the roles and functions of a national police service, it also has responsibility for State security. The Garda Síochána is separate and autonomous from the other elements in the criminal justice system.

The general direction, management and control of the force is the responsibility of the Commissioner of the Garda Síochána, who is appointed by the Government. He is responsible to the Minister for Justice, Equality and Law Reform, who in turn is accountable to Dáil Éireann (lower House of Parliament). The Commissioner carries out his duties within the rule of law and in accordance with regulations laid down by the Minister for Justice, Equality and Law Reform and Acts of the Oireachtas (Parliament).

The Commissioner's management team comprises two Deputy Commissioners and ten Assistant Commissioners. Deputy Commissioner Operations co-ordinates, inter alia, the activities of Assistant Commissioner Crime and Security, who oversees, inter alia, the Garda National Immigration Bureau, the National Bureau of Criminal Investigation, the Garda Bureau of Fraud Investigation and contact with the Criminal Assets Bureau.

Garda National Immigration Bureau

The Garda National Immigration Bureau has national responsibility for all Garda matters pertaining to immigration matters in the State. The duties of Bureau members include the carrying out of deportation orders issued by the Minister for Justice, equality and Law Reform. Apart from Garda personnel attached to the Bureau, there are also Garda personnel assigned to immigration duties at all sea and air ports in the State and on a random basis along the border with Northern Ireland.

The Immigration Registration Office is part of the Bureau. Non-nationals resident in Dublin who are required to register with the Garda Síochána do so at the Office. Outside Dublin they register at their local Garda station.

National Bureau of Criminal Investigation

The Bureau has national responsibility for, inter alia, the investigation of murder, serious and organised crime and racketeering.

Garda Bureau of Fraud Investigation

The Bureau has national responsibility for the investigation of fraud related crime. Part of the Bureau is the Money Laundering Investigation Unit, which was established in 1995 as a result of the implementation of the Criminal Justice Act, 1994. The main function of the Unit is to act as a national reception point for the receipt, analysis and investigation of all disclosures relating to suspicious transaction reports from bodies designated under the Act. There is close co-operation between the Unit and the Criminal Assets Bureau.

Criminal Assets Bureau (CAB)

Established under the Criminal Assets Bureau Act, 1996 on 15 October, 1996, the CAB pursues a multi-agency approach and is staffed by officers from the Garda Síochána, Revenue Commissioners (Taxes), Revenue Commissioners (Customs), and the Department of Social and Family Affairs. Its objectives include the identification of assets, wherever

situated, of persons which derive or are suspected to derive, directly or indirectly, from criminal activity. It has primary responsibility in this area and takes appropriate action under the law to deprive or deny those persons of the assets and the proceeds of their activity. It is also charged with fully applying, where appropriate, the Revenue Acts to the proceeds of criminal activity or suspected criminal activity.

Money Laundering Steering Group

The Money Laundering Steering Group is composed of representatives of relevant Government Departments, the Central Bank, the Garda Síochána and the major representative bodies in the financial sector. Its function is primarily to ensure consistency in the application of anti-money laundering guidelines across the financial sector.

Central Bank of Ireland

The Central Bank is statutorily responsible for the supervision of most financial institutions in Ireland including banks, building societies and a broad range of non-bank firms, exchanges and collective investment schemes. Its responsibilities include supervision of financial institutions regarding implementation of EC Regulations in relation to freezing of funds and the supervision of anti-money laundering systems.

Department of Enterprise, Trade and Employment

The Department of Enterprise, Trade and Employment is responsible for the supervision of insurance companies, with responsibilities similar to the Central Bank.



Security Council

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Letter dated 17 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 7 March 2002 (S/2002/265).

The Counter-Terrorism Committee has received the attached supplementary report from Uruguay, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) **Jeremy Greenstock**
Chairman
Security Council Committee established
pursuant to resolution 1373 (2001)
concerning counter-terrorism



Annex

Letter dated 12 June 2002 from the Permanent Representative of Uruguay to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: Spanish]

In response to the request contained in your note dated 7 March 2002, I attach herewith the supplementary replies of the Government of Uruguay to the report which was duly submitted in accordance with the provisions of Security Council resolution 1373 (2001) (see enclosure).

It should be mentioned that the Uruguayan legislation cited in the enclosure can be accessed in the databank of the *Diario Oficial (Official Gazette)*, at www.impo.com.uy/base.htm.

(Signed) Dr. Felipe Paolillo
Ambassador
Permanent Representative of Uruguay
to the United Nations

Enclosure**Replies of Uruguay to the additional questions raised by the Counter-Terrorism Committee, June 2002****Subparagraph 1 (a)**

Could Uruguay please specify what penalties are imposed on financial intermediaries who fail to respect their obligation of vigilance and do not report to the Financial Information and Analysis Unit transactions that may be linked to criminal activities? Are there any investigations in progress? Have any penalties already been handed down?

The Financial Information and Analysis Unit of the Central Bank of Uruguay has broad powers to monitor and direct the activities of the financial entities which are subject to its control, and oversees the implementation of the laws and decrees governing such activities, as well as the general and specific regulations enacted for that purpose.

Failure to comply with these regulations is subject to a wide range of penalties, including simple notice or warning, fines, and other measures which may even include cancellation of authorization to operate.

As yet, no such penalties have been applied.

The Counter-Terrorism Committee would be grateful to know the results of the analysis currently being prepared by the special commission comprising representatives of public organizations and delegates representing financial institutions. These could be of great assistance to other countries, particularly those of Latin America.

Within the Training Centre in Prevention of Laundering of Assets, under the National Drug Board, a series of training and study programmes are being developed for the financial sector, the judicial system, the law enforcement area and university professionals, with a view to increasing their knowledge of the relevant national and international rules, as well as of the various criminal practices connected to the laundering of money derived from illicit activities and the financing of such activities. In that regard, the development of cooperation programmes with a number of international bodies, such as the Inter-American Drug Abuse Control Commission (CICAD) of the Organization of American States (OAS) and the Inter-American Development Bank (IADB), and with other countries, in particular the United States of America should be noted. Moreover, recently the South American Financial Action Group (GAFISUD) decided to designate the Training Centre as the development and implementation unit for training programmes for the entire region, addressing such questions as the laundering of assets and the funding of terrorist activities, following its adoption of the eight recommendations of the Financial Action Task Force on Money-Laundering (FATF).

Subparagraph 1 (d)

What preventive controls and surveillance measures has Uruguay put in place to ensure that funds intended for the financing of terrorism are not transferred through charitable, religious or cultural organizations?

In order to contribute to the preventive activities being carried out by agents within the Uruguayan financial system, the Financial Information and Analysis Unit has ensured — and will continue to ensure in future — broad dissemination of the names and other available data about the various charitable, religious and cultural organizations that have been linked with activities of a criminal nature, as they come to its attention.

Furthermore, the entities reporting to the Financial Information and Analysis Unit have been asked whether they maintained or still maintain accounts or funds of any kind connected with these organizations, and in all cases negative replies were received. In addition, arrangements have been made for these organizations to be added to the checklists, so that, in future, any transaction that is directly or indirectly linked to any of them could be reported immediately to the Unit.

Although no general rules that specifically cover this subject have been enacted, full compliance with all existing rules related to familiarity with the client necessarily implies that special care must be taken in all transactions conducted with organizations of this kind, in order to rule out any possible link between them and criminal activities.

Moreover, it should be mentioned that the constitution of charitable, religious and cultural institutions as legal persons and their subsequent operations are subject to State control, ensuring their full respect for the Constitution and the laws and regulations of the Republic.

Subparagraph 2 (a)

Is the Counter-Terrorism Committee correct in its understanding that the offence of association with criminal intent provided for by article 150 of the Penal Code extends to activities relating to all of the terrorism-related activities mentioned in the subparagraph? That is, is the offence of criminal association a totally self-contained offence that extends to activities in Uruguay that are related to offences committed, or planned, in other countries or is it an offence that is applicable only in relation to activities in connection with an offence under Uruguayan law?

The offence of "association with criminal intent" (article 150, Penal Code) was amended in the Civil Security Act, which defined it as a "conspiracy crime".

Article 150 actually referred to the criminal *cuadrilla*, meaning, in eighteenth and nineteenth century Spain, a gang of bandits with at least four members, who associated for the purpose of committing multiple crimes.

The Security and Public Order Act No. 14,068 of 1972, reduced the number of active participants by using the words "those who", allowing for the possibility of only two participants in the commission of an offence. But the plural was retained for the offences: an association existed if at least two persons associated for the purpose of committing various offences.

The Security Act No. 16,707 of 1995 uses the wording "those who" (only two needed) associate for the purpose of committing "one or more offences". The objective could now be a single offence. An association exists if two persons associate for the purpose of committing a single offence.

Therefore, associating for the purpose of committing an offence is an offence of association with criminal intent.

This implies a substantial change in the regime of article 7 of the Penal Code, which provides that "a conspiracy exists when two or more persons agree on the commission of an offence", and that a conspiracy is punishable only when the law specifically provides for that possibility.

Since agreement between two persons for the purpose of committing a single offence now constitutes an offence of association with criminal intent, it is always punishable as an offence against public order.

Association for the purpose of committing an offence may refer to any kind of offence, naturally including acts of terrorism.

This is what comparative law calls a "conspiracy crime", and what we call an offence of association with criminal intent.

Terrorism as such is not defined as a separate offence, although there are a number of activities that are considered to be terrorist acts: the taking of hostages, the assassination of foreign ambassadors or heads of State, multiple homicides, the use of destructive force, arson, bombs, attacks on aircraft, ships and public works, etc.

It is therefore clear that this offence covers terrorism.

The procedure for prosecuting offences committed abroad follows the general rules contained in articles 9, 10 and 11 of the Penal Code.

Terrorism is under universal jurisdiction and persons who commit such acts can be prosecuted in Uruguay (article 10, para. 7); since it is not considered a political offence, such persons are subject to extradition, both active and passive.

While the report deals in detail with the controls in place in relation to the trade in firearms and indicates that "unlawful possession of arms is considered an offence against personal safety" under the General Penal Code, it would assist the Counter-Terrorism Committee to know what constitutes unlawful possession of firearms. Can Uruguay describe the main legislative provisions regulating this sector and specify what administrative controls are in place for the purpose of enforcing the law?

The definition of "unlawful possession of firearms" covers anyone who maintains possession of a weapon in violation of the laws in force regulating their ownership.

These are the main laws which regulate and control the import, manufacture and trade in explosives, firearms and component parts:

Uruguay has clear legislation regulating the import, acquisition and bearing of arms, as well as the manufacture, trade, import and export of explosive materials.

Monitoring of the enforcement of these regulations falls under the Ministries of Defence and of the Interior.

The Ministry of Defence has jurisdiction over the registration of weapons present in the country (including those assigned to the armed forces and the police);

the Ministry of the Interior has jurisdiction over authorization for the acquisition of weapons, as well as for the bearing of arms by individuals.

It should be noted that our country has comprehensive legislation in the area of weapons and explosives, on the basis of decree No. 2,605/43 dated 7 October 1943.

In addition to the controls listed below, the Customs Office has established its own controls, upon entry into and departure from national territory, along with those of the Ministry of Economic and Financial Affairs, which govern the import and export of weapons and explosives.

The legal framework is regulated by:

The Ministry of Defence — Through the Materiel and Weapons Service (established by law since 1943)

The Ministry of the Interior — The police (by law since 1970)

Ministry of Defence

Materiel and Weapons Service

Decree-Law No. 10,415 (13 February 1943)

Regulates:

Gases and explosives

Chemical agents or gases used in combat

Explosives in general

Manufacture of explosives

Storage and use of explosives

Permanent weapons depots

Temporary weapons depots

The use of explosives

Cargo handling, customs clearance, transit and import of explosives, firearms, cartridges, ammunition, etc.

Pyrotechnic materials

The State shall have exclusive responsibility for the manufacturing of gases, explosives, detonators, high explosives, progressive explosives and gunpowder.

It may also grant permission to manufacture explosives to those individuals or institutions which it considers appropriate, on a temporary basis.

The manufacture of chemical agents or gases for combat shall be the exclusive responsibility of the Army Materiel and Weapons Service and the Navy Arsenal.

Decree No. 2,605/43 (7 October 1943)

Regulates:

Processing for the import of ammunition, and the transport and control of gunpowder, arms and ammunition for the exclusive use of the armed forces and the police.

It stipulates that the following weapons are the exclusive use of the armed forces and the police:

- Long-barrelled centerfire weapons with bullets of a calibre greater than 6.5 mm
- Automatic and semi-automatic pistols of a calibre greater than 7.65 mm

It also covers arms and ammunition legally sold by establishments selling arms and ammunition.

Under the regulations established in the aforementioned decree, specific conditions must be met for the entry and transport of ammunition, gunpowder and arms in general.

To that end, controls are implemented by the authority with jurisdiction in the matter, through the presence of a specialist delegated by this authority on every occasion where transport and entry takes place and at all stages that the listed items pass through.

This decree makes reference to the Standing Advisory Committee which is responsible for reporting to the Ministry of Defence on matters referring to the manufacturing of explosives of all categories and chemical agents.

This Committee is composed of the Director of the Institute for Industrial Chemistry, the Director of Industry, Energy and Mines, the Chief of the Technical Division of the Materiel and Weapons Service, the Chief of the Explosives Section of the Navy Construction, Repairs and Weapons Service and a representative of the Military Engineering and Architecture Service.

The conditions for storage of explosives are also regulated, and the following categories are recognized: permanent, temporary, above-ground, buried and underground.

Prior authorization from the Materiel and Weapons Service is required to work with explosives.

Decree No. 6,124/45 (21 December 1945)

Regulates:

The establishment of an arms factory.

It specifies the technical requirements which must be met:

- By the head technician
- By the owner
- By the head of production

The Ministry of Defence will control the type of arms to be manufactured (in accordance with the plans, characteristics and quantity of arms to be manufactured, which must correspond to the production orders).

Time of manufacture.

Control over the request from the buyer and those officials with whom responsibility for the purchase order lies.

Duly validated documentation certifying that the ordering firm has the respective authorizations of the Executive branch, the Ministry of Industry, Energy and Mines and the Ministry of Economic and Financial Affairs. In the event that an export is involved, the authorization of the respective governments must be sought through the Ministries of Foreign Affairs and the customs authorities.

Decree No. 22,905/53 (25 September 1953)

Regulates:

The necessary documentation to be submitted to process the "Arms Possession Permit". The holder of the permit must:

- Be of Uruguayan nationality or a naturalized citizen.
- Have reached the age of majority.
- Submit proof of identity.
- Receive police clearance to bear or purchase arms.

Decree No. 24,229/59 (2 April 1959)

Regulates:

The provisions for trade in disassembled weapons, parts and accessories.

The decree specifies the controls to be implemented for weapons that can be imported in disassembled form and/or their component parts, which will be reassembled at their final destination.

The Ministry of Defence (Army — Materiel and Weapons Service), the Ministry of the Interior, the Customs Office, and the Ministry of Industry, Energy and Mines are involved in those controls.

Decree No. 572/966 (23 November 1966)

Regulates operations with explosives and flammable materials including for overseas vessels calling in the port of Montevideo.

Hazardous materials (flammable explosives susceptible to spontaneous combustion, etc.) shall be divided into categories, in accordance with the zones where loading and unloading take place, which shall be under the supervision of the maritime authorities.

It also regulates the zones of operation, the obligations of vessels, responsibilities, rules for loading, unloading and transport of explosives and flammable materials in vessels for coastal and overseas traffic, and provides

common rules for all vessels in overseas and coastal traffic for loading and unloading of explosives on board.

Decree No. 252/68 (16 April 1968)

Regulates:

The sale of arms, possession and issuance of permits.

It details the information that must be specified in the documentation:

- Information on the owner (documents, domicile, authorization to bear arms).
- Information on the weapon (type, system, calibre, make, serial number).
- Information on the seller.

Decree No. 548/68 (10 September 1968)

Regulates:

The sale of arms by court order (auction).

The same requirements are established and must be complied with as for the sale and/or purchase of weapons.

Decree No. 365/69 (31 July 1969)

Regulates:

Official supervision of arms possession by individuals. It establishes that the sale, loan, transfer or conveyance for any reason of firearms legally sold shall be subject to the issuance of an **Arms Possession Permit**.

It also establishes rules for dealers in arms or ammunition, collectors, shooting clubs, etc., who must register with the Materiel and Weapons Service, and implement security systems in the physical locations where the arms and ammunition are stored, which must be approved by the Materiel and Weapons Service and the police.

It also establishes the requirement that collectors must remove the essential parts of the weapons that would make normal use possible.

Decree No. 505/69 (31 July 1969)

Regulates the possession, sale, loan or transfer for any reason of unrestricted firearms, which shall be subject to the issuance of an Arms Possession Permit by the Materiel and Weapons Service.

The Service shall also be involved in any sale, transfer, etc. between individuals and commercial firms.

Law No. 14,157 (21 November 1974)

The Executive branch shall declare as war materiel anything in current use in an armed conflict or whose technical characteristics determine that its ownership by individuals would affect national security.

Decree No. 353/75 (29 April 1975)

Confers on the State the exclusive right to manufacture explosive detonators, high explosives, progressive explosives and gunpowder.

Decree No. 311/78 (6 June 1978)

Regulates the auctioning of weapons seized by the competent authorities and the requirements to be met by their buyers.

Decree No. 550/69 (4 November 1979)

Establishes rules for the import of arms and explosives that must be complied with by all agencies involved in the import process.

No formalities for import may begin without the corresponding authorization issued by the Materiel and Weapons Service.

The Materiel and Weapons Service is established as the legal depositary and the location where imported merchandise will be deposited prior to dispatch and the inspection that will be conducted by technical personnel.

Decree No. 629/81 (15 December 1981)

Establishes administrative fines for violations of the regulations on explosives and weapons.

Law No. 15,430 (12 July 1983)

Regulates the disposition of arms which have been held for over five years, authorizing the Materiel and Weapons Service to dispose of them, depending on their usefulness.

Decree No. 340/84 (21 August 1984)

Explosive devices:

Establishes that anyone who becomes aware of such devices must inform the corresponding agencies.

Circular No. 08/84 (1 August 1984)

Establishes the time limit for effecting the delivery of a weapon after a sale has taken place.

Establishes the information which must be provided in the monthly reports by sales establishments on the sale of arms and ammunition.

Sets standards for the loading of cartridges for commercial purposes.

Decree No. 17/87 (20 January 1987)

Regulates the classification of "arms collector", as well as the legal requirements for obtaining it.

Also establishes the elements which can comprise a collection as well as the physical location where the arms will be stored.

Circular No. 002/04-87 (7 April 1987)

Regulates the loading and reloading of cartridges and bullets, which must meet certain safety conditions.

Establishes the forms giving details of sales and consumption of reloading and stock.

Circular No. 004/08-987 (1 August 1987)

Establishes the physical requirements for firms working in the area of arms and ammunition.

Law No. 16,145 (9 October 1990)

Weapons remanded to the Army Materiel and Weapons Service by court order:

Establishes the final disposition of those weapons.

Circular No. 001/06-91 (3 August 1991)

Instructions for the withdrawal of weapons under the control of the Judiciary in the Materiel and Weapons Service.

Law No. 16,320 (1 November 1992)

Sets the amount of administrative fines for violations of the regulations on arms and explosives.

Circular No. 287/E/93 (1 August 1993)

Regulates the procedures to be followed for issuing arms permits to non-resident individuals who enter the country temporarily with firearms.

Decree No. 91/93 (24 February 1993)

Regulates the processing of certificates for the import of arms and explosives.

Circular No. 014/R/94 (1 July 1994)

Establishes guidelines to be followed by those individuals, institutions, clubs, federations or companies authorized by the Materiel and Weapons Service to reload ammunition with metal casings.

Decree No. 195/95 (30 May 1995)

Regulates the manufacture and assembly of firearms. Requirements, inspection, violations.

Circular No. 13/E/96 (10 January 1996)

Establishes safety standards which must be met by collectors of weapons and/or ammunition.

Circular No. 196/E/96 (28 August 1996)

Refers to the information that must be supplied by dealers in firearms and ammunition on the movements of their stock of weapons, ammunition and component parts of weapons.

Decree No. 477/96 (10 December 1996)

Concerning the rules for action to be taken when a suspected terrorist device has been located.

General procedural guidelines.

Unconfirmed threats of explosive devices.

An act carried out with an explosive device.

Special provisions.

Circular No. 102/E/97 (2 April 1997)

Authorized calibres for individuals:

Revolvers: .22 short, .22 long, .22 magnum, .32, .38 short, .38 special, .357, .44 magnum

Pistols: .22 long, 6.35, 7.65, 7.65 Luger (greater for collectors or officers)

Shotguns: All calibres and systems

Rifles: All types of .22 calibre up to 6.5

Decree No. 406/97 (30 October 1997)

Regulates the period of validity of Arms permits, setting it at 10 years.

Ministry of the Interior

Decree No. 238/99

Regulates:

- 1) The acquisition and possession of firearms.

Establishes that only persons **over 18 years of age** may acquire, own and bear firearms, and they must apply for the Certificate of Authorization to Acquire and Bear Arms (THATA).

This document authorizes a natural or legal person to acquire, own and use firearms within the limits prescribed by law; this document can be revoked; it is valid throughout the national territory, for a period of three years.

It sets out rules for the transfer of arms and time limits for procuring the relevant documentation.

The following are required to obtain the THATA:

- Identity document, proof of residence, certification of criminal background check, proof of employment.

Grounds on which the THATA shall be denied:

- Prior criminal record.
- Police record for violent conduct.
- Outstanding summons or arrest warrant.
- Addiction to alcohol, narcotics or any other type of hallucinogenic substance.
- Psychiatric, mental or other disorder or having been declared incompetent.
- Foreign national or not a legal resident in the country.
- Involvement in situations of domestic violence in respect of which a judicial restraining order is in place.
- Having been prosecuted for a juvenile offence and not being considered rehabilitated.

2) Issuance of the Arms Possession Permit

Establishes the information contained in the Arms Possession Permit, the persons entitled to hold such permits, and the rules to be followed in disposing of firearms.

In order to repair or sell a weapon, it is required that the THATA and the corresponding permit be produced.

Any weapon which is lacking the documentation referred to, following intervention by the police and courts, shall be seized and deposited with the Army Materiel and Weapons Service; the interested party may regularize the situation within a limited time without prejudice to the corresponding penalties.

3) The bearing of arms

The bearing of arms shall be subject to strict administrative authorization issued by the Office of the Chief of Police with validity throughout the national territory and is not permanent; it can be revoked if there is a change in the conditions under which it was granted; it is valid for a period of two years.

The following requirements must be met to obtain such authorization:

A written request which must contain:

- Personal information; characteristics of the weapon; purpose of the request; length of the authorization required and attestation of qualification to use a firearm, by passing a course in marksmanship.

The following must be attached:

- A medical certificate of psychological and physical fitness to use and carry firearms.
- Photocopies of the identity card, the THATA, the Arms Possession Permit and a certificate issued by the police department with jurisdiction over the applicant's place of residence attesting that the applicant is an honest and stable individual.

Authorization to bear arms will be granted only to those who justify the need to bear arms for security reasons and will be revoked in the event a criminal offence is committed.

4) Unrestricted weapons

Unrestricted weapons are divided into two categories:

A) Unrestricted ownership:

Long-barrelled rimfire weapons which discharge projectiles with an initial velocity below 700 metres/second.

Shotguns of a calibre lower than 12-weight inclusive.

Handguns with a smooth barrel designed to discharge cartridges up to .32 calibre inclusive.

Ownership of the following weapons is restricted; the THATA must be obtained for their purchase and ownership:

- Rimfire handguns designed to discharge projectiles with an initial velocity below 700m/second.
- Revolvers up to 38 calibre SPL, designed to discharge projectiles with an initial velocity below 330 m/second.
- Semiautomatic pistols up to .380 calibre ACP inclusive, designed to discharge projectiles with an initial velocity of 330m/second inclusive.
- Shotguns of 12-weight calibre inclusive and above.

B) Restricted ownership

For the purchase and ownership of the weapons listed below, the special THATA must be obtained:

- Revolvers designed to discharge projectiles with an initial velocity over 330m/second.
- Semiautomatic pistols designed to discharge projectiles with a velocity over 330 m/second.
- Long-barrelled centerfire weapons designed and manufactured for sporting use with a capacity not exceeding five cartridges in separate magazines.

5) Prohibited arms, ammunition and materiel

Ownership of the weapons, ammunition and materiel listed below is prohibited; they shall be restricted for use solely and exclusively by the armed forces and the police:

- All weapons and ammunition manufactured for military use.
- All weapons and ammunition not designed and manufactured for sporting purposes or civilian use.
- Automatic weapons.
- Long-barrelled centerfire semiautomatic weapons and parts or sets of parts designed to convert semiautomatic weapons into automatic weapons.

- Long-barrelled weapons with a barrel length of under 46 cm or a total length of under 90 cm.
- Long-barrelled weapons with retractile, foldable or removable stocks.
- Weapons and devices capable of firing ammunition or devices containing chemical, biological, incendiary or explosive agents.
- Engines of destruction, whatever their system, to be interpreted as devices which do not fully correspond to the definition of firearms or launchable weapons but are designed to be used as weapons or explosives.
- Silencers, sound suppressors and noise abaters, whatever their system.
- Aiming and night vision mechanisms, whatever their system (passive or infrared).

6) Conditions for the transport of weapons

Anyone transporting weapons or ammunition shall carry the THATA and arms possession permits for the weapons being transported. The following security requirements must be met:

- The weapons shall not be visible during transport;
- They shall be unloaded and with no rounds in the chamber;
- Their magazines shall be empty; and
- Ammunition shall be transported separately from weapons and shall correspond to the calibre of the weapon or weapons being transported.

Subparagraph 2 (b)

Does Uruguay have a body that specializes in counter-terrorism, or is this the responsibility of a number of services or agencies? In the latter case, how is coordination between these different entities effected?

As stated in Uruguay's previous report, the country does not have any body dedicated exclusively to combating terrorism. Since 1999, there has been a State Intelligence Office department responsible for gathering intelligence on terrorism, as well as the Information and Intelligence Office of the Ministry of the Interior which works to prevent and combat terrorism.

As mentioned in the previous report, on 21 September 2001 the President of the Republic recommended that the Ministry of Defence and the State Intelligence Office should gather intelligence on terrorism at the national and international levels with the support of, and contributions from, other State bodies.

All these activities relate to the gathering of intelligence — in other words, of knowledge derived from the accumulation and processing of information received from various internal and external sources. Naturally, this activity is ranked as the first level of defence against and prevention of terrorist acts and attacks. With regard to the use of force to resolve crisis situations or incidents involving terrorists, for the past 20 years the Uruguayan army has had a highly-trained, experienced, disciplined and well-equipped force to carry out such operations; it is employed in extreme situations on orders from the Executive branch.

Does each agency define its strategy independently, or does it carry out activities that have been decided at a higher level? Who determines this policy and, if applicable, the distribution of tasks among the agencies?

The gathering of information and intelligence naturally involves constantly changing situations and an enemy which is not established in one place but operates throughout the world. A certain degree of independence in information-gathering and centralized coordination at a higher level are therefore required and the political leadership is kept abreast of the current situation with regard to terrorism. Orders from the Executive branch are issued when the situation so warrants, particularly when terrorist elements are present in the country and must be detained and brought to trial; the Ministry of the Interior has the exclusive responsibility for their arrest and subsequent prosecution by an independent Judiciary.

Subparagraph 2 (d)

What is the extent of the competence of your courts to deal with terrorist acts, or preparations for terrorist acts, that occur outside your territory?

Without prejudice to the statements made under subparagraph 2 (a), Uruguay tends to apply the principle of territoriality. However, act No. 17,343 of June 2001 covers the following activities: terrorism; contraband in excess of US\$ 20,000; illegal trafficking in weapons, explosives, ammunition or material relating to their production; illegal trafficking in men, women or children; illegal trafficking in nuclear substances, works of art, animals or explosives; extortion; procurement; and kidnapping and is applicable even if the act giving rise to the said goods, products or instruments was committed outside the country, provided that the offence in question is punishable both in the place in which it was committed and in Uruguay.

Subparagraph 2 (e)

Please provide a report on progress with the passage into law and practical implementation of the draft law defining terrorism and its financing, as referred to in the report.

A draft law defining terrorism and its financing as offences in their own right has been prepared by noted jurists specializing in criminal law. The Executive branch is currently holding consultations at the parliamentary level in order to achieve broad consensus leading to its rapid adoption into law.

Subparagraph 2 (g)

Please inform the Committee of the progress made and the new measures taken in respect of the enhancement of the security of identity papers, as mentioned in the report.

The security of identity papers and travel documents is ensured by a set of measures and actions which were already being planned, were being carried out and are continuing to be implemented. These include:

- **Legal framework.** Recently adopted legislation currently in force requires every citizen to obtain an identity card, which must be issued within 45 days of birth. It must be renewed every five years until age 20 and every 10 years

between ages 20 and 60; thereafter, it is issued without an expiration date. The applicant's personal information and fingerprints are updated at every renewal following the initial issuance of the document.

- **Specific security features.** Approximately 10 such features are contained in these documents, including characters readable under ultraviolet light and microtext. In addition, all information is being computerized to ensure more rapid processing and more effective inspection. Passports have contained optically readable features since 1998 and other, more complex security features such as biometric strips are being considered; for the moment, however, they cannot be definitively incorporated owing to economic limitations.
- **Functioning of the system.** The legal framework and security features are of little use unless the system as a whole functions smoothly and adequately. This includes appropriate selection of staff; ongoing training in the best inspection implementation procedures and the methods used by various types of criminals to breach document security; and constant supervision of the implementation of internal monitoring mechanisms. These mechanisms also include the old and thus-far-irreplaceable method which involves, in each case, comparison of fingerprints with existing records, photographs and personal information questionnaires and secure storage of blank documents both within Uruguay and in its consular offices abroad.

Another major element in the system's functioning is determination and efficiency in implementing the law when threats arise to document security involving the forgery of identity cards and passports. In just over a year, the Civil Identification Office, the only body responsible for, and the highest authority regarding, the issuance of those documents, successfully prevented about 17 attempts by foreign nationals to obtain identity cards and passports illegally. Small but important Uruguayan and foreign rings seeking to sell such forged documents for between US\$ 300 and US\$ 10,000 were broken up. The foreign nationals prosecuted by the Judiciary included Brazilians, Dominicans, Ecuadorians and Bolivians; three Uruguayans involved in the operations were also prosecuted. **In every case, it was established that these were not terrorist-inspired acts or groups,** but rather individuals seeking job opportunities in Uruguay, no-cost health care or the only South American passport whose holders may enter the United States of America without a visa. The last of these factors increases the value of forged Uruguayan documents to organized crime, but controls have been greatly strengthened in all offices which issue such documents, particularly since the attacks of 11 September 2001.

However, it must be borne in mind that no system of documentation and identification is infallible; there is always a risk that documents will be forged or obtained by fraudulent means. Nevertheless, Uruguay has achieved acceptable security levels for identity and travel documents, as was demonstrated during a November 2001 visit by a delegation of experts from the State Department of the United States of America in order to inspect the entire national identification system, determine the level of security and decide whether Uruguayans should remain exempt from the visa requirement, which was approved.

Subparagraph 3 (c)

Please provide a list of those countries with which Uruguay has concluded relevant bilateral agreements.

Uruguay is a party to international treaties on reciprocal assistance in the area of international terrorism, including the following:

(a) Multilateral treaties at the regional level

1. Southern Common Market (MERCOSUR) Protocol on Mutual Legal Assistance in Criminal Matters, signed at San Luis, Argentina, on 25 May 1996, in force between the four States members of MERCOSUR (Argentina, Brazil, Paraguay and Uruguay). Adopted by Uruguay by means of act No. 17,145 of 9 August 1999. Ratified on 7 July 2000.
2. Agreement on Mutual Legal Assistance in Criminal Matters between MERCOSUR, the Republic of Bolivia and the Republic of Chile, signed at Montevideo on 20 December 2001. Approved by decision 12/2002 of the Council of the Common Market. Not yet in force.

(b) Bilateral agreements signed or adopted by the Eastern Republic of Uruguay

1. Treaty on mutual legal assistance in criminal matters between the Eastern Republic of Uruguay and the Federative Republic of Brazil. Signed at Montevideo on 28 December 1992. Not yet in force.
2. Treaty between the Eastern Republic of Uruguay and Canada on mutual legal assistance in criminal matters, signed at Ottawa on 10 July 1996, adopted by Uruguay by means of act No. 17,336 of 17 May 2001. Entered into force on 1 March 2002.
3. Convention on judicial cooperation in criminal matters between the Eastern Republic of Uruguay and the Republic of Colombia, signed at Bogotá on 12 February 1998. Not yet in force.
4. Treaty on mutual legal assistance in criminal matters between the Eastern Republic of Uruguay and the Kingdom of Spain, adopted by Uruguay by means of act No. 17,020 of 20 November 1998. In force since 7 February 2000.
5. Extradition Treaty between Uruguay and the Kingdom of Spain, signed at Madrid on 28 February 1996, adopted by Uruguay by means of act No. 16,799 of 20 November 1996. Entered into force on 16 April 1997.
6. Treaty on mutual legal assistance in criminal matters between the Government of the Eastern Republic of Uruguay and the Government of the United States of America, signed at Montevideo on 19 November 1991. Adopted by Uruguay by means of act No. 16,431 of 30 November 1993, in force since 15 April 1994.
7. Treaty of cooperation between the Government of the Eastern Republic of Uruguay and the Government of the United Mexican States concerning mutual legal assistance in criminal matters, signed at Montevideo on 30 June 1999. Not yet in force.

8. Treaty on mutual legal assistance in criminal matters between the Eastern Republic of Uruguay and the Republic of Venezuela, signed at Caracas on 20 May 1997 and adopted on 22 June 2002 by means of act No. 17,356. Not yet in force.
9. Treaty on mutual legal assistance in criminal matters between the Eastern Republic of Uruguay and Cuba, signed at Havana on 16 February 1995, adopted in Uruguay by means of act No. 17,034 of 20 November 1998. Has not yet entered into force.
10. Extradition Treaty between Uruguay and the Argentine Republic, signed at Montevideo on 20 November 1996, adopted by means of act No. 17,255 of 3 January 2000. Entered into force on 10 June 2001.

Subparagraph 3 (d)

Could Uruguay please describe the measures taken, or proposed, to give effect within Uruguay to the various conventions to which it is already a party and to the International Convention for the Suppression of the Financing of Terrorism, mentioned in the report as being in the course of being ratified. Please indicate its intention with regard to the other conventions and international protocols concerning terrorism to which it is not yet a party, namely, the International Convention against the Taking of Hostages, 1979, and the Convention on the Physical Protection of Nuclear Material, 1979. While it is the understanding of the Counter-Terrorism Committee that Uruguay has no nuclear industry and no nuclear weapons, it respectfully draws to Uruguay's attention the importance, in the international effort to curb terrorism, of the obligations of States under the last-mentioned convention in relation to criminal acts involving nuclear material performed by individuals.

The International Convention for the Suppression of the Financing of Terrorism, is before the Legislature with a view to ratification by Parliament. It is expected that the Convention will be ratified shortly.

The Convention on the Physical Protection of Nuclear Material (Vienna, 26 October 1979) is under parliamentary review in the international affairs committee of the House of Representatives. The Executive branch sent out a message in 1997, and reiterated it in October 2000.

The International Convention against the Taking of Hostages (New York, 18 December 1979) has been under review by the international affairs committee of the House of Representatives since May 2001.

The Executive branch is making political contacts with the Legislature with a view to the early adoption of all these instruments.

Subparagraph 3 (e)

Please indicate whether the crimes mentioned in the relevant international conventions have been included as extraditable offences in the bilateral treaties which Uruguay has concluded with other countries.

Uruguay endorses, and promotes in its international relations, the view that no terrorist offence may be regarded as a political offence or as an offence connected with a political offence or as an offence inspired by political motives; the perpetrators of such offences are therefore subject to extradition.

This position is based on the European Convention on the Suppression of Terrorism (Strasbourg, 1997), the preamble of which expresses the conviction that extradition is a particularly effective measure for ensuring that the perpetrators of such acts do not escape prosecution and punishment.

Most recently, Uruguay shares the view set forth in article 5 of the European Union Convention on Extradition of 27 September 1996, which was the basis for our position on article 12 of the draft inter-American convention against terrorism which is under review by the Organization of American States, which provides:

Article 12

Inapplicability of exceptions for political offences

For the purposes of extradition or mutual legal assistance, none of the offences set forth in the international instruments listed in article 2 shall be regarded as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

Paragraph 4

The Counter-Terrorism Committee would be grateful to know whether Uruguay has addressed any of the concerns expressed in paragraph 4 of the resolution.

Uruguay has participated actively in regional and international forums concerned with transnational organized crime, illicit drug trafficking, money laundering, illicit arms trafficking, and the illicit circulation of nuclear, chemical and biological materials, since it regards them as a grave threat to international security.

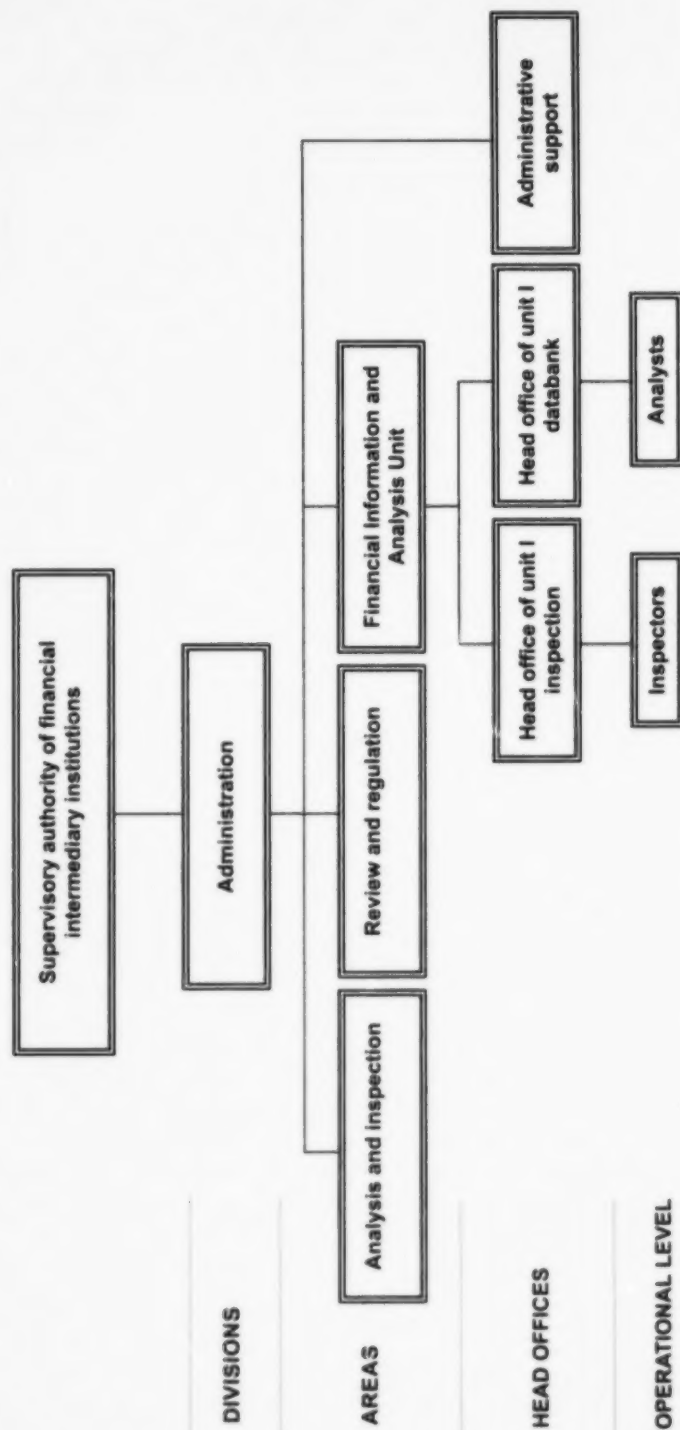
Other matters

Could Uruguay please provide an organizational chart of your Government's administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen by your Government as contributing to compliance with the resolution.

The various aspects related to terrorism and the implementation of Security Council resolution 1373 (2001) are taken up by various State bodies attached to the Ministry of Defence, the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Economic and Financial Affairs.

An organizational chart of the supervisory authority of the financial intermediary institutions of the Central Bank of Uruguay is attached for information.

Organizational chart of the supervisory authority of financial intermediary institutions





Security Council

Distr.: General
17 June 2002

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Letter dated 17 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/382).

The Counter-Terrorism Committee has received the attached supplementary report from Poland, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) **Jeremy Greenstock**
Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex

Letter dated 14 June 2002 from the Permanent Representative of Poland to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

In response to your letter of 22 March 2002, on behalf of my Government I have the honour to submit herewith to the Counter-Terrorism Committee additional information to the report transmitted to the Committee on 21 December 2001, on the measures taken by the Republic of Poland to implement the provisions of Security Council resolution 1373 (2001) of 28 September 2001 (see enclosure).

My Government stands ready to provide the Committee with further information as necessary, or if requested to do so by the Committee, and to assist it in the assessment of the implementation of the resolution.

I should be grateful if you would have the text of the present letter and the enclosed report circulated as a document of the Security Council.

(Signed) Janusz Stańczyk
Ambassador

Permanent Representative of the Republic of Poland to the United Nations

Enclosure

Information additional to the report on the implementation by Poland of Security Council resolution 1373 (2001) submitted to the Counter-Terrorism Committee on 21 December 2001*

Sub-paragraph 1 (a)

- Please could Poland outline in more detail the relevant portions of the laws mentioned in the first paragraph of the section of the report referring to this Sub-paragraph.

The problem of suppression of the financing of terrorism has become one of the most important in light of the operative provisions of the resolution 1373 (2001). In order to ensure full and comprehensive implementation of the provisions of that resolution relating to financial measures, the Government of Poland has submitted to the Lower House of the Parliament in March 2002 the draft law amending the law of 16 November 2000 on counteracting introduction to financial circulation of property values derived from illegal or undisclosed sources. Translation of the draft law into English is attached to this Information.

The most important amendments connected with the counteracting to the financing of terrorism include:

- 1) proposal to add in Article 2 items 6 and 7, facilitating to the General Inspector for Financial Information blockade of accounts and definition of the term "terrorist act", in the following wording:
 - '6) account blockade – is understood as a temporary hindrance in controlling or using all property values collected on an account, including by the institution obliged,
 - 7) a terrorist act – is understood as a crime against peace, humanity and war crimes, crimes violating the general safety and crimes defined in Articles 134 and 136 of the Penal Code,"

It should be noted that the notion of „account blockade” is by its nature identical with „freezing of account” used in resolution 1373 (2001) and other relevant Security Council resolutions

- 2) proposal to add after Article 16 a new Article 16a, which relates to the transfer by the General Inspector for Financial Information to obliged institutions communications on persons, suspected of assisting or participating in the perpetration of terrorist acts. This Article facilitates the initiation of procedure of blockade of financial means on the account. It has the following wording:

“Art. 16a.1. The General Inspector, on the basis of the information held, shall hand over to the institution obliged information about entities justifiably suspected of having connections with terrorist acts.

2. The institution obliged shall immediately notify the General Inspector about the fact of maintaining an account of an entity mentioned in item 1 as well as of transactions in which that entity appears as a party.”

- 3) proposal to modify Article 3 section 5 concerning exchange of information between General Inspector for Financial Information and his foreign equivalents, which aims at improving the performance of tasks imposed on Inspector by the law. The proposed Article has the following wording:

“5. The information connected with the introduction to the financial circulation of property values derived from illegal or undisclosed sources, as well as with the financing of terrorism may be made available by the General Inspector to foreign institutions mentioned in Article 4, point 7 on the basis of mutual favour in ways defined in bilateral agreements concluded by the General Inspector.”

- 4) Modification of the title of the law. If accepted by the Parliament it would read as follows: “on counteracting introduction to financial circulation of property values derived from illegal or undisclosed sources and on counteracting financing terrorism”.

Complemented by the said proposed amendments the law, which scope and application was described in general terms in the Report of Poland submitted to the CTC on 21 December 2001 will become solid basis for smooth and effective implementation of financial restrictions.

* The annexes referred to in the present report are on file with the Secretariat and are available for consultation.

- **Please report on progress with the ratification and implementation of the International Convention on the Suppression of the Financing of Terrorism (1999).**

The Ministry of the Interior and Administration, which is a competent organ in case of this Convention has finalised required interministerial consultations and will submit to the Government draft law authorising the President of the Republic of Poland to ratify the Convention before the end of June. When adopted by the Government, the draft will be submitted to the Parliament for legislative procedure.

- **The CTC would be grateful for a report on the outcome of the prosecutions mentioned in this section of the report and an outline of the cases in question.**

The examined cases related above all to criminal terrorism with domestic nature. No procedural material indicating connections of organised criminal groups or individuals with international terrorist groups or international terrorism were found.

In one case concerning the intent to introduce to the trade of considerable amount of financial means the initiated investigation has been suspended, pending the response from the Federal Republic of Germany. It followed from the notice of one of the banks directed to the General Inspector for Financial Information (on the basis of article 16 of the Law of 16 November on counteracting introduction into financial circulation of property values derived from illegal or undisclosed sources) that on the day of the said notice a customer appeared in the bank, who offered the sale of 380.000.000 Kuwaiti dinars at a very lowered exchange rate. He explained that exchange rate by uncertain economic situation of Arab states after terrorist attacks in the USA. He acted as a representative of a company with registered place of business in Germany. The currency had to be transferred to the Polish bank and thereafter to an account in Germany. The said individual also offered the repurchase of that bank of 300 cheques at 2000 USD each issued by one of the banks in the United States. The transaction has not been finalised due to refuse by the bank of the said offers.

Sub-paragraph 1 (b)

- **Please provide an account of cases of successful prosecutions or, if there have not been any, an analysis of the link, for prosecution purposes, between an act (such as collecting of money) carried out in Poland and another act, specially of a terrorist nature, carried out in another country by persons having no personal connection, such as citizenship or usual residence, with Poland.**

The answer to this request is given in the comments to Subparagraph 1 (a) third indent (account of prosecutions) and Subparagraph 1 (d) and 2 (b). (legal link between preparatory activity in Poland and commission of terrorist act abroad).

Sub-paragraph 1 (c)

- **Please report on progress with the freezing of funds and other financial assets or economic resources of persons, who commit, or attempt to commit, terrorist acts, or who participate in or facilitate the commission of such acts and please provide an outline of any relevant legislation actual or proposed.**

The answer to this request is given in the comments to Subparagraph 1 (a) first and third indent.

Sub-paragraph 1 (d)

- **What preventive controls and surveillance measures are in place to ensure that funds intended for the financing of terrorism are not transferred through charitable, religious or cultural organisations?**

In accordance with Article 18 (3) of the Penal Code, whoever, with an intent that another person should commit a prohibited act, facilitates by his behaviour the commission of the act, particularly by providing the instrument, means of transport, or giving counsel or information, shall be liable for aiding and abetting. Furthermore, whoever, acting against a

particular legal duty of preventing the prohibited act, facilitates its commission by another person through his omission, shall also be liable for aiding and abetting.

In accordance with Article 19 (1) of the Penal Code the court will decide on penalty for aiding within the limits provided for the perpetration.

Taking into account the foregoing, the Polish legal system allows for prosecution and punishment of individual financing the perpetrator of a crime. It relates both to persons acting individually and persons committing actions in the institutions carrying out public activity.

Sub-paragraph 2 (a)

- **Does Article 258 of the Penal Code apply both to groups formed within Poland and groups formed outside for the purpose of perpetrating terrorist acts? Have there been successful prosecutions to bear out the assertion that that is the case?**

Article 258 of the Penal Code applies to each domestic and international organised group aiming at the perpetration of crimes. It should be borne in mind that the Penal Code provides in Articles 110-112 for liability of an alien before a Polish court for crimes committed abroad, if he committed abroad a crime:

- against the interests of the Republic of Poland, Polish national, Polish corporate person or Polish organisational unit with legal personality (Article 110 (1));
- other than that referred to in Article 110 (1), if that crime in the Polish law calls for penalty exceeding 2 years of imprisonment, and the perpetrator finds himself in the territory of the Republic of Poland and there has been no decision to extradite him (Article 110 (2)).

The condition of the said liability is recognition of such act as crime also by the law in force in the place of its commitment (Article 111), provided that regardless of the said provisions, alien is subject to the Polish jurisdiction, in accordance with Article 112 of the Penal Code in case of commission of crime:

- against internal or external security of the Republic of Poland;
- against Polish institutions or public officers;
- against essential Polish economic interests;
- false testimony before a Polish institution.

It also should be noted that in accordance with the universal jurisdiction principle expressed in Article 113 of the Penal Code: "Notwithstanding regulations in force in the place of commission of the offence, the Polish penal law shall be applied to a Polish national or an alien, with respect to whom no decision on extradition has been taken, in the case of the commission abroad of an offence, which the Republic of Poland is obliged to prosecute under international agreements." The scope of application of that provision is however subject to ongoing detailed analysis aiming at the determination whether all the cases of behaviour determined in the Subparagraph 2 (a) of the Resolution 1373 (2001) would be subject to the Polish jurisdiction.

- **Please could Poland provide a report on the practical administration of those laws, with particular reference to the control of the sale and possession of weapons.**

The report on practical administration of the law of 29 November 2000 on the control of external trade in goods, technologies and services of strategic importance both for state security and for the keeping of international peace and security has been already provided to the CTC as Appendix 2 to the Report of 21 December 2001. Since the time of submission of the report no new circumstances or modifications occurred.

The obligation to adopt the Law of 22 June 2001 on the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC) followed from the Convention itself, as a national measure to implement it. Non-proliferation of weapons of mass destruction, including chemical weapons remains important priority of the foreign policy of Poland. As a member of Anti-Terrorist Coalition Poland attaches great importance to the Convention and its verification organ – Organisation for the Prohibition of Chemical Weapons (OPCW) in the Hague.

On the basis of the Law (following Article VI of CWC annual declarations are submitted by National Authority, which is Minister for Foreign Affairs to the OPCW. National limits for the production of toxic substances have been established and process of destruction of chemical weapons has been finalised.

The cooperation between competent organs, determined in the Law, with National Authority playing central role in this system, guarantees full and strict implementation of CWC. The Law established a system of verification and control, cooperation with chemical industry, control of exportation and importation, conditions of declarations, cooperation with customs institutions and other control organs, exchange of information between the Secretariat of the OPCW and National Authority, implementation of the CWC in the chemical industry. This system is adjusted to other legal provisions in force in Poland in the sphere of control of trade.

There exist in Poland legal means and other arrangements in force for counteracting international terrorism in the sphere of nuclear materials (National Atomic Energy Agency is responsible institution in this regard). The most important act is the Regulation of the Council of Ministers of 31 July 2001 on Physical Protection of Nuclear Materials - pursuant to obligations under the Convention of Physical Protection of Nuclear Materials (open for signature in 1980 and ratified by Poland on 3.03.1989) and to requirements for a State System for physical protection of nuclear materials defined in the recommendation INFCIRC/225 rev.4 of the International Atomic Energy Agency. The Regulation requires from users of nuclear materials that they shall be protected according to principles of the IAEA.

Since 11 September 2001 more stringent procedures of physical protection have been implemented in the facilities of the Institute of Atomic Energy.

Poland is bound by:

1. Treaty on the Non-Proliferation of Nuclear Weapons ratified on 8 March 1972.
2. Agreement between Poland and the International Atomic Energy Agency for the application of Safeguards in Connection with the Treaty on the Non-proliferation of Nuclear Weapons - INFCIRC 179 (based on the IAEA INFCIRC/153) which entered into force on 11 of October 1972. This document establishes the rules for nuclear safeguards in Poland.
3. Atomic Law of 29 November 2000 with further amendments. The Law requires that activities involving use of radioactive materials shall be licensed and requires physical protection of nuclear materials.
4. Regulation of Council of Ministers of 31 July 2001 on Nuclear Materials Accountancy pursuant to obligations contained in the Agreement on Safeguards between Poland and the IAEA, ratified in 1972. The Agreement embodies main obligation under Non-proliferation Treaty concerning nuclear materials. The Regulation requires from users strict accounting for quantities and types of nuclear materials in use and admitting inspections according to requirements of the accountancy system of the International Atomic Energy Agency.
5. Additional Protocol to the Agreement on Safeguards between Poland and the IAEA (see No. 2 above) - as the INFCIRC 179 Add.1, which was ratified on 5 May 2000.

The Protocol institutes system of declarations and inspections for entities where activities having some relevance for nuclear cycle are carried. Declarations concern e.g. export of equipment and non-nuclear material listed in Annex II.

Other activities by the National Atomic Energy Agency

The Non-proliferation Section of the NAEA hosts a Point of Contact for voluntary exchange of information with the data base of the IAEA on cases of illegal transporting of nuclear and radioactive materials.

To combat illegal handling radioactive and nuclear materials a complex of activities is carried:

- 1) prevention (regulations concerning i.e. export control of strategic goods),
- 2) detection (measurement instruments at border check points),
- 3) training for officers of Border Guards and custom officers,
- 4) Co-operation with other state services (Police, Customs and other).

Sub-paragraph 2 (b)

- Please provide a list of the bilateral and multilateral treaties relating to the exchange of information in this area to which Poland is, or proposes to be, party. Please also describe the progress made in putting in place legislation and administrative mechanisms to give effect to these treaties, in particular the proposed legislation relating to the EUROPOL Convention.

Full list of bilateral and multilateral treaties relating to exchange of information and operational cooperation has been attached to the Report transmitted to the CTC on 21 December 2001. Since the submission of the Report Poland has not become party to any new treaty in this field. Poland is negotiating bilateral agreements concerning cooperation in combating organised crime with the following states: Argentina, Austria, Bulgaria, Cyprus, Chile, India, Kazakhstan, Mexico, Sweden, Uzbekistan and Vietnam.

The Agreement between the Government of the Republic of Poland and the European Police Bureau "EUROPOL" on the cooperation in combating crime, signed on 3 October 2001, has been passed through the Parliament, which authorised in virtue of the law of 14 March 2002 the President of the Republic of Poland to ratify it. Ratification instrument awaits the signature of the President. When signed the instrument will be sent to the European Commission and the Agreement will enter into force on the day of the receipt of the instrument of ratification of Poland.

Taking into account the position of international treaties in the system of sources of law in Poland, which is described in more detail in the comments to Sub-paragraph 3 (d), second indent no further legislative actions or administrative measures are needed to implement it, since they exist already.

After the signature of the Agreement EUROPOL has proposed to the Polish Government the extension of scope of the crimes covered by the Agreement, to which the cooperation relates (*inter alia* inclusion of terrorism). This proposal is subject to legal analysis by the Polish institutions and the formal position on that issue will be formulated soon.

Sub-paragraph 2 (e)

- Where acts preparatory to a terrorist incident take place in Poland (such as collection of money) but the terrorist incident takes place outside Poland, is it clear that the preparatory acts can be prosecuted in Poland? If they can on the basis of being preparatory to the commission of a crime, what gives the act in the other country the character of a crime under Polish law?

The basis for proceedings in this case is Penal Code. In accordance with its Article 6 (2) "A prohibited act shall be deemed to have been committed at the place where the perpetrator has acted or has omitted an action, which he was under obligation to perform, or where the criminal consequence has ensued or has been intended by the perpetrator to ensue."

The case, which is indicated in the CTC question above (collection of money) will relate to the preparation to commit terrorist act. Liability for the preparation will be covered by liability for commission of offence by the same person.

When one person on the territory of Poland participated in the preparation, and another committed offence abroad, a person acting in Poland will be liable for aiding the perpetration of the offence abroad (Article 18 (3)) and in circumstances determined in Article 18 (1) of the Penal Code even for ancillary.

In the situation when the effect of an offence was abroad, the provisions of Chapter XIII – Liability for offences committed abroad (Article 109-114) of the Penal Code will apply accordingly.

- Did the special commission established by the President of the Republic of Poland to elaborate the amendments to the Penal Code conclude that there was no need to create any new offences specifically related to terrorism? Please outline the special commission's conclusions in that regard.

The Commission established by the President of the Republic of Poland finalised its work by submitting to the Lower House of the Parliament draft laws amending the Penal Code and Penal Proceedings Code, *inter alia* in relation with the acts identical by nature with terrorist acts. These proposals aim at making more severe the penal liability for some of the offences of terrorist nature, and moreover signal the need to modify the Penal Code through:

- penalisation of taking over the control over land transport mean by using deceit or violence against a person or threat to use such violence (until now Article 166 of the Penal Code penalises such actions in relation with water transport and aircraft),
- penalisation of exportation abroad of waste or substances in such conditions or manner that it could pose threat to life or health of many persons, destruction in flora and fauna in considerable amount (up to now Article 183 (2) of the Penal Code provides for appropriate internal protection),
- penalisation of false notice on direct threat of event, which endangers life or health of many persons or property in considerable amount, knowing that such danger does not exist (this new provision of Article 172 (a) of the Penal Code will precise the principles of liability for so-called false alarms).

as well as modification of the Penal Proceedings Code by improvement of control and recording of telephone calls in criminal proceedings and extension of scope of offences, in case of which the control and recording of calls may be applied.

- **Please also provide a progress report on the proposed amendments to the Penal Code outlined in this section of the report.**

The legislative works in the Parliament aiming at the introduction to the Penal Code and Penal Proceedings Code of the amendments referred to in indent above have not been finalised yet. The amendments are subject to review in appropriate Parliamentary committee.

Sub-paragraph 2 (f)

- **Please could Poland outline the provisions of the Penal Proceedings Code, which relate to assistance to other states.**

The principles of legal assistance to states are determined in the Penal Proceedings Code Section XIII: Procedure in criminal matters in international relations. The provisions of the said Section determine in detail the procedure in the cases concerning:

- immunities of persons belonging to diplomatic missions and consular offices of foreign states (Articles 578 – 584);
- legal assistance and delivery of documents in criminal matters (Articles 585 – 589)
- taking over and transfer of criminal prosecution (Articles 590 – 592);
- application to extradition or transport of prosecuted or sentenced persons resident abroad and surrender of objects (Articles 593 – 601);
- applications of foreign states to extradite or transfer of prosecuted or sentenced persons or to surrender objects (Articles 602 – 607);
- taking over and transfer of sentenced persons to serve the sentence (Articles 608 – 611).

Article 615, contained in final provisions provides that: *The provisions of this Chapter shall not apply if international agreement, to which the Republic of Poland is party, provides otherwise.*

- **Please also outline the forms of assistance provided for under the bilateral agreements and other international instruments mentioned in the section of the report referring to sub-paragraph 2 (b).**

The forms of assistance provided for under the bilateral agreements and other international instruments mentioned in the report, include:

- cooperation in investigation of suspected criminals, detection of criminals, tracing the proceeds of crime,
- establishment of direct channels of communication between the competent organs,
- simplification of the procedure with requests for information,
- exchange of:
 - information, including operational one,
 - experience and information relating, in particular, to methods of combating organised crime as well as new forms of criminal activity,
 - results of research on crime detection and criminology,

- information on national criminal law and application thereof,
- information on methods and technical equipment used to combat crime,
- personnel with the view to sharing professional expertise in the field of prevention and combating crime,
- specialised publications in the field of combating crime,
- information regarding:
 - organisers and perpetrators of crime, including their personal data,
 - structure of criminal groups,
 - behavioural patterns of organisers of crime, perpetrators of crime and criminal groups,
 - modus operandi of persons and organisations suspected of involvement in commission of crimes,
 - crimes committed and activities preparatory to intended crimes,
 - circumstances in which crime is committed and action taken by law enforcement agencies.

Sub-paragraph 2 (e)

- Please provide information on the effectiveness of the measures taken by Poland to improve controls of the issuance of identity papers and travel documents and to prevent counterfeiting, forgery or fraudulent use of such documents. Has there been any quantified improvement in interceptions of false or fraudulent documents?

The reports from competent authorities (Ministry of the Interior and Administration, Police, Border Guard) indicate clearly that since the introduction of new identity papers, in accordance with the European Union standards, the prevention of counterfeiting, forgery or fraudulent use of such documents has improved considerably. Cooperation by Polish institutions with international organs and competent authorities in other states, which is carried out on the basis of relevant agreements, is also essential in this area.

Sub-paragraph 3 (c)

- Does Poland have any arrangements for cooperation with other states in relation to the prevention and suppression of terrorist attacks and to take action against perpetrators, in situations not calling for the invocation of provisions such as Article 5 of the Washington Treaty or Article 51 of the UN Charter?

Sub-paragraph 3 (d)

- Please provide a report on the ratification and implementation of the international instruments mentioned in the answer or awaiting ratification by Poland.

Poland is not yet party to 4 anti-terrorist conventions and protocol:

1. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997. The Convention was signed by Poland on 14 June 1999.

The request for ratification has been prepared by the Ministry of the Interior and Administration.

2. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999. The Convention was signed on 4 October 2001 during the 56th session of the UN General Assembly.

The information has been provided in the response to the CTC comments to Subparagraph 1 (a), second intend.

3. Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988.

The request for ratification of the Protocol is still in the phase of preparation.

4. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991.

The request for ratification of the Protocol is still in the phase of preparation.

- Please also report on the progress made in giving effect, as a matter of domestic law, to the anti-terrorist conventions, which Poland has ratified.

In accordance with Article 91 section 1 of the Constitution of the Republic of Poland: *International treaties ratified, upon their publication in the Journal of Laws of the Republic of Poland forms part of domestic legal order and shall be applied directly, unless its application depends on the issuance of a law.* In accordance with section 2 of that Article: *International treaty ratified with prior consent expressed in law has priority over the law, if the said law cannot be reconciled with that agreement.*

It follows from the provision of Article 91 section 1 of the Constitution that ratified international treaties (this applies to all anti-terrorist conventions and protocols, to which Poland is party) enjoy privileged position in the system of the sources of law in Poland. They apply in the same way as internal laws and have priority over executive acts and administrative measures, which should be consistent with international treaties. In case of discrepancies between a treaty and a law, the priority of the former is indisputable.

The legislation in the fields referred to in the anti-terrorist conventions and protocols is fully compatible with international obligations of Poland.

Sub-paragraph 3 (e)

- What laws and administrative arrangements have been made for the implementation of the nine conventions and protocols mentioned in the answer?

The majority of the conventions and protocols are applied directly in Poland. The legislation enabling Poland to implement some of the anti-terrorist conventions and protocol existed prior to their ratification, while some of them had to be adapted to their provisions. Major legislative and administrative measures taken by Poland related to the adaptation of the legislation included modifications to Penal Code and Penal Proceedings Code, aviation law and atomic law.

Sub-paragraph 3 (f)

- Please provide a translation of Article 50 of the law on aliens.

„Art. 50. 1. The alien, upon his request, may obtain asylum in the Republic of Poland if it is indispensable to ensure to him protection or if it is justified by important interest of the Republic of Poland.

2. The alien, who has been granted asylum, shall obtain permission for establishment.”

Sub-paragraph 3 (g)

- Please provide a translation of Articles 41a and 42 of the law on aliens.

„Art. 41a. 1. The alien shall be refused refugee status due to blatant lack of justification of the request, if his request for refugee status in light of collected evidence material:

- 1) gives no basis whatsoever justifying the alien's apprehension of persecution, referred to in Article. 1A of the Geneva Convention,
 - 2) is based on conscious misleading organ or aims at abuse of proceedings in refugee status.
2. There are no bases whatsoever justifying the alien's apprehension of persecution, in particular when:

- 1) alien does not indicate his apprehension of persecution due to his race, religion, nationality, belonging to determined social group or his political convictions, but states other reasons of request for granting of refugee status, as in particular searching for job or better life conditions,
- 2) alien indicates his apprehension of persecution, which occurrence is limited to determined parts of the territory of his country of origin or other country, in which he is permanent resident, if he could with no obstacles transfer to other part of the territory of this country and enjoy the protection provided for in Article 33.1 of the Geneva Convention,
- 3) alien does not state essential information concerning the circumstances connected with his apprehension of persecution.

3. Request to grant refugee status is based on conscious misleading of the organ or aims at abuse of proceedings of granting of refugee status if:

- 1) contains obviously unreliable or improbable data or facts stated in it are not coherent or contains obvious inconsistencies,
- 2) it was submitted by alien, who came from safe country of origin,
- 3) alien states false information on his identity or submits other false evidence,
- 4) alien, acting in bad faith, has destroyed, damaged or hidden evidence essential in the proceedings or has disposed of it,
- 5) alien, while having opportunity to early submit the request, has requested the status of refugee only to avoid expulsion.

4. The organ engaged in the proceedings concerning granting of refugee status, having found the existence of any of the circumstances referred to in section 1, shall immediately issue decision to refuse to grant refugee status due to obvious lack of justification of the request.

Art. 42. Alien shall be refused the refugee status, if:

- 1) he obtained refugee status in other state, which ensures to him appropriate protection,
- 2) fails to meet the conditions referred to in Article 1 A of the Geneva Convention and New York Protocol,
- 3) there are circumstances referred to in Article 1 F of the Geneva Convention,
- 4) enjoys the protection or assistance of organs or agencies of the United Nations other than UN High Commissioner for Refugees."

Paragraph 4

• Has Poland addressed any of the concerns expressed in paragraph 4 of the resolution?

Poland shares the concern expressed in the resolution 1373 (2001) relating to the close connection between international terrorism and transnational organised crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials. Coherent system of international obligations, domestic legislation, together with regulations providing for practical measures in this field will ensure effective prevention and suppression of terrorist acts.

It was the Government of Poland, who proposed in the forum of the United Nations General Assembly to elaborate universal convention on combating transnational organised crime. The United Nations Convention against Transnational Organised Crime, signed in Palermo on 12-15 December 2000, which draft was originally submitted by Poland, addresses some of the above mentioned concerns.

The coordination of efforts against international terrorism on national, subregional, regional and international levels, is matter of concern for Poland. Poland was promoter of an important initiative in the region of Central and Eastern Europe, namely the Warsaw Conference on Combating Terrorism, which took place on 6 November 2001. It was one of the first initiatives after the terrorist attacks against targets in the United States.

The Conference, in which participated Presidents and Prime Ministers of 17 states and representatives of 8 observers, including United Nations, European Union, Organisation for Security and Cooperation in Europe and NATO, adopted Declaration, which stressed the need for as broad and effective as possible efforts in the field of combating international terrorism, through diplomatic, financial, economic, law-enforcement, intelligence and military cooperation as

well as the exchange of information. The Conference adopted Action Plan, which outlines forms and methods of struggle against international terrorism in the region, including the preparation of regular reports on national measures taken in this regard.

The Warsaw Conference was conceived and proved to be an open-ended process. Within this process a working meeting of chief security advisers to the Presidents of states was organised in Kharkiv, Ukraine and in autumn this year the Government of Romania will host a high-level conference to review the achievements and experience of regional efforts initiated in Warsaw.

Poland believes that all valuable measures taken at national, subregional and regional levels, in political, legal and practical aspects need to be coordinated. Only through real interaction between the national and regional institutions and initiatives international community could ensure more effective, united and sustained response to the problem of international terrorism, which is matter of global concern.

Other matters

For organisational charts and principles of functioning of the administrative institutions established to give practical effect to the laws, regulations and other documents contributing to compliance with the Resolution, please refer to the following websites, which also provide with information in English:

Police, including Central Bureau of Investigation: www.kgp.gov.pl

Border Guard (Immigration): www.sg.gov.pl

Customs Service: www.guc.gov.pl

Taxation organs and financial supervision authorities (Ministry of Finance, General Inspector for Financial Information, taxation authorities): www.mofnet.gov.pl